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Whose Duress?

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EDITOR-IN-CHIEF: Sharon Flescher
EDITOR: Kathleen Ferguson
DESIGN: Alice Fisk MacKenzie

International Foundation for Art Research (IFAR)
500 Fifth Avenue, Suite 935, New York, NY 10110
Tel: (212) 391-6234 Fax: (212) 391-8794 www.ifar.org

EXECUTIVE DIRECTOR: Sharon Flescher
ASSISTANT TO THE DIRECTOR: Kathleen Ferguson
ART RESEARCH DIRECTOR: Lisa Duffy-Zeballos

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COVER: Franz Marc, *The Foxes*, 1913. Oil on canvas. 88 x 66 cm. Photo: Kunstpalast - LVR-ZMB - Stefan Arendt. See story on p. 17.

FEDERAL INDICTMENTS IN ALLEGED MIDWEST FORGERY SCAM

THREE CHARGED FOLLOWING FBI RAID

On April 21, 2022, the U.S. Attorney's office of the Northern District of Illinois charged two Michigan brothers and a co-conspirator from Florida with operating a fifteen-year forgery scheme to create and sell fake American paintings and sports memorabilia.

Donald Bruce "D.B." Henkel is charged with creating fake paintings and falsifying signatures and provenances to defraud unsuspecting collectors, dealers and auction houses. He and his brother, Mark Henkel, are charged with recruiting "straw sellers," sham owners, to sell the fakes under concocted provenances. Although only one of the alleged straw sellers, Raymond Paparella, is charged, the indictment lists five "co-schemers," who are unnamed in the indictment but were identified in the FBI search warrant of Henkel's home.

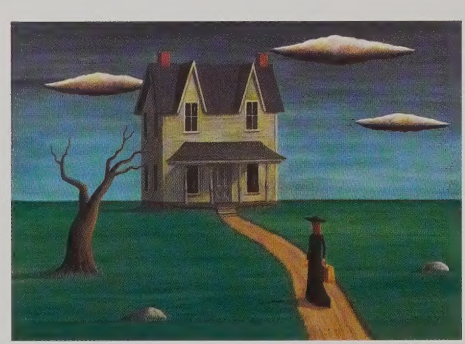

FIGURE 1. *Coming Home,* purportedly a Gertrude Abercrombie painting, now said to be by Donald Henkel.

The alleged scam claimed a number of prominent victims, including auction houses and galleries in Chicago and New York, and private collectors, some of whom paid hundreds of thousands of dollars for paintings falsely attributed to twentieth-century American Modernists.

The indictments follow a multi-year FBI investigation initiated by several collectors who discovered that the works they purchased from Henkel and his associates were modern fakes with trumped-up provenances. The wider world first learned about the alleged forgery ring in July 2020, when agents raided Donald Henkel's Cedar, Michigan home, seizing scores of paintings and collectibles, as well as antique pens, cans of Japan Drier, and other chemicals used to artificially age paintings and memorabilia. Henkel, a 61-year-old retired artist, is accused of running the operation out of his home — creating the fakes, applying bogus signatures to existing paintings, and fraudulently altering artworks and collectibles to make them appear genuine.

The FBI identified eight forged paintings related to the scheme: five purportedly by Precisionist painter George Copeland Ault, two said to be by Precisionist Ralston Crawford, and one attributed to the American Surrealist Gertrude Abercrombie. Leslie Hindman Auctioneers in Chicago purchased or sold six of the eight forged paintings. Henkel himself consigned two suspected fakes to Hindman Auctions. One, *Smith Silo, Exton,* said to be by Crawford, sold at Hindman Auctions in 2016 for $395,000, while a fake Abercrombie painting titled *Coming Home* **(FIG. 1)** sold at auction for over $93,000 in 2019 (one of the highest prices paid for the artist's work at that point).

In 2018, Hindman Auctions sold a fake Ault painting titled *Stacks up 1st Avenue,* which had been consigned by a Henkel conspirator from California, for more than $372,000 to Hirschl & Adler Galleries in New York. The following year Hirschl & Adler paid $336,000 for another fake Ault titled *Morning in Brooklyn* **(FIG. 2),** which had been consigned to Hindman Auctions by a Virginia straw seller who is related to Mark Henkel.

Asked by *Detroit News* reporters how Hirschl & Adler got duped, the gallery's managing director, Elizabeth Feld, noted that Henkel's forgeries were particularly accomplished.[1] Stanford Professor and Ault scholar Alexander Nemerov told *The Art Newspaper* that he agreed the overall quality was good, but pointed out that the clouds in *Morning in Brooklyn* were clearly a pastiche "imported from some other kind of Ault painting."[2] Indeed, concerns over *Morning in Brooklyn's* style and its lack of provenance prompted Hirschl & Adler to have the work scientifically tested in 2019. According to the FBI search warrant, pigment analysis revealed that the painting — signed "G.C. Ault '29"— contained a type of titanium dioxide white that was not commercially available until the 1940s. Hirschl & Adler eventually returned both paintings to Hindman, but the gallery did not say whether it received a refund.[3]

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[1] Robert Snell and Michael H. Hodges, "In North Michigan Woods, Feds Raid an Alleged Upscale Art Forgery Factory," *The Detroit News* (July 8, 2020).

This was not the first time suspicions were raised about the authenticity of Donald Henkel's fakes. From 2017 to 2018, straw seller Paparella attempted to sell a painting purportedly by Ralston Crawford titled *I.R.T Powerhouse* through a New York auction house. Following an examination and analysis of the painting, however, the auction house refused to consign it for sale, citing doubts about its authenticity. According to the indictment, Paparella and Henkel then attempted to consign it to a London-based auction house with a new fake provenance.

In 2019, Paparella also unsuccessfully tried to sell a painting titled *Burghal Barber,* to which Henkel had added a fake George Ault signature, to three separate art galleries in New York State. After having the painting examined by conservators who insisted that it was "not what it is supposed to be," one gallery deemed *Burghal Barber* an "elaborate fabrication." The two other potential buyers likewise expressed concerns and declined to purchase the painting.

Apparently undeterred by these setbacks, in the months leading up to the FBI raid in 2020, Paparella and Henkel were still attempting to sell a fake Ralston Crawford painting titled *Flour Mill* to Hindman Auctions, which, according to the FBI search warrant, had initially assessed its value between $200,000 and $400,000. Paparella shipped the painting to Hindman for inspection, but the auction house declined to sell it.

> "... pigment analysis revealed that the painting — 'signed G.C. Ault '29' — contained a type of titanium dioxide white that was not commercially available until the 1940s."

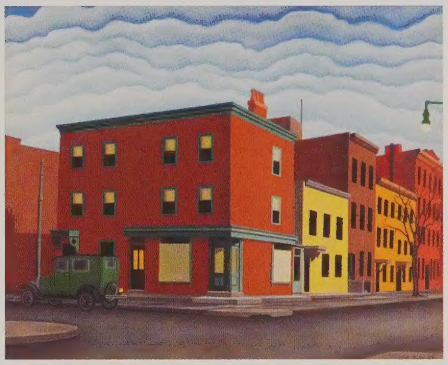

FIGURE 2. *Morning in Brooklyn,* purportedly a George Copeland Ault painting, now said to be by Donald Henkel.

In addition to the forged paintings, Donald Henkel is accused of fabricating counterfeit sports memorabilia, including a fake Babe Ruth baseball bat sold through a Dallas auction house, and a fake Lou Gehrig bat, which sold at an online auction for $138,000.

All three defendants pleaded not guilty to the charges of mail and wire fraud, but Mark Henkel also pleaded guilty to a charge of witness tampering. According to the U.S. Attorney's news release, each count of the indictment carries a possible penalty of up to 20 years in federal prison. As the *IFAR Journal* went to press, none of the unnamed "co-schemers" cited in the indictment has been charged and a status hearing has been set for November 14.

—LISA DUFFY-ZEBALLOS
Art Research Director, IFAR

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[2] Ruth Lopez, "Experts Weigh in on Alleged Art Forgery Ring in Michigan," *The Art Newspaper* (July 17, 2020).

[3] Eileen Kinsella, "The Feds Indict Two Detroit Brothers and a Florida Man in a Long-running Forgery Scheme Peddling Fake Art and Sports Memorabilia," *Artnet* (April 27, 2022).

A BUSY PERIOD AT CPAC

SIX NEW CULTURAL PROPERTY AGREEMENTS; FIVE RENEWED AGREEMENTS; ONE NEW REQUEST; EIGHT NEW COMMITTEE MEMBERS; AND CPAC CHARTER RENEWED

Over the past two years, the U.S. State Department, following the recommendation of the Cultural Property Advisory Committee (CPAC), has renewed five bilateral cultural property agreements with foreign governments, and enacted six new ones. These agreements, or Memoranda of Understanding (MOUs), place import restrictions on certain types of cultural objects considered "at risk of pillage," thereby offering foreign governments the assistance of U.S. Customs in combating illicit trafficking of their cultural property. MOUs are enacted pursuant to the 1983 Cultural Property Implementation Act (CPIA), the implementing legislation for U.S. acceptance of the 1970 UNESCO Convention.[1]

The number of MOUs has increased dramatically in recent years. In 2016, there were 18; by summer 2022, there were 29. This number does not include two MOUs that were allowed to expire.[2] The five renewed agreements are with: Greece, Egypt, Bolivia, Colombia, and Italy. The new agreements are with: Turkey, Morocco, Costa Rica, Nigeria, Afghanistan, and Albania. All agreements, except for emergency agreements, last for five years. They can be renewed for an indefinite number of five-year terms, assuming the requests still meet the criteria. Many tend to be sweeping — too sweeping, many believe—in terms of the types of objects and range of dates — and some, including several below, have provoked controversy.[3]

NEW AGREEMENTS

Morocco

The new MOU with Morocco entered into force on January 15, 2021. The agreement imposes import restrictions on Moroccan archaeological material dating from approximately 1 million B.C. through approximately A.D. 1750, including, but not limited to, categories of objects in stone, ceramic, metal, bone, ivory, shell, glass, faience, semi-precious stone, painting, plaster, and textiles. Additionally, the agreement restricts the importation of certain ethnological materials ranging in date from approximately A.D. 1549 to 1912.

The designated list of restricted objects has been criticized by some American collectors for its broad reach — particularly pertaining to categories of coins, which include even Roman and Imperial coins.

In a noticeable departure from the terms of existing MOUs with other North African countries, the U.S.-Morocco MOU explicitly *allows* the importation into the U.S. of "Jewish ceremonial or ritual objects." MOUs signed in 2018 with Algeria and Libya restricted the importation of such objects and were strongly criticized as a result. This is the first time that a MOU *explicitly* excluded Jewish ceremonial and ritual objects from a country's prohibited objects designated list.[4]

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[1] The full title is: UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The U.S. accepted the Convention "with reservations."

[2] One MOU with Canada was signed in 1997 and was not renewed after the initial five-year term. Another MOU — with Nicaragua, enacted originally in 2000, was renewed three times, and expired in October 2020.

[3] Each of these agreements is posted on IFAR's online Art Law & Cultural Property Database: https://www.ifar.org/icpoel.php in the Country Summary for the United States and under the respective Country Summaries. Information can also be found on the U.S. State Department's website, https://eca.state.gov/cultural-heritage-center/cultural-property/current-agreements-and-import-restrictions.

Costa Rica

On April 15, 2020, CPAC met to consider a proposed MOU with Costa Rica. During the public session of the hearing, some speakers questioned the necessity (and legality) of an agreement in light of the limited looting in Costa Rica. As one of the four main determinants, the CPIA requires a country's cultural heritage to be at risk in order to impose import restrictions. Critics posited that Costa Rica did not meet the terms of the CPIA.

Despite such contestations, the MOU with Costa Rica was recommended and entered into force on March 31, 2021. The agreement imposes import restrictions on certain archaeological materials ranging in date from 12,000 B.C. through approximately 1550 A.D., including categories of jade, gold, ceramics, stone, bone, resin, and shell.

Turkey

The new MOU with Turkey entered into force on June 16, 2021. It imposes import restrictions on archaeological material, including objects in stone, metal, ceramic, plaster and stucco, painting, glass, wood, textile, and other organic materials ranging in date from 1,200,000 B.C. to A.D. 1770, and certain ethnological materials ranging in date from the 1st century A.D. to 1923.

Despite protests from the affected ethnic and religious groups in the U.S. and unlike the agreement with Morocco, religious artifacts from Turkey were among the objects whose importation into the U.S. was explicitly restricted, meaning that Jews, Armenians, Orthodox Christians, and others are now prevented from importing precious religious and ritual objects of Turkish origin into the U.S.

Opposition to Turkey's request came from several quarters, including the Association of Art Museum Directors (AAMD), which argued that Turkey didn't satisfy *any* of the four determinants for a CPIA agreement and that it, itself, was effectively "to blame for much of the looting, lack of preservation, and destruction" of its own "rich cultural heritage." Nonetheless, the Turkish request was granted and will be in effect until 2026.

Afghanistan

On October 5, 2021, CPAC met to consider one of the most complicated and contentious MOU requests, that on behalf of the "former government of Afghanistan." Prior to CPAC's meeting, on August 15, 2021 Afghanistan's former government fled the country as the Taliban took control of Kabul.

In a controversial move on February 18, 2022, the United States imposed four-year import restrictions on an emergency basis on certain categories of archaeological and ethnological materials from Afghanistan. Unlike a MOU, which requires a formal signed agreement and remains in effect for five years, emergency import restrictions can be imposed unilaterally by the U.S., typically for a three-year period. In addition to Afghanistan, the United States currently has emergency import restrictions in force for Syria, Iraq and Yemen.

> "In a noticeable departure from the terms of existing MOUs with other North African countries, the U.S.-Morocco MOU explicitly allows the importation into the U.S. of 'Jewish ceremonial or ritual objects'."

The restricted Afghan archaeological materials range in date from the Paleolithic (50,000 B.C.) through the beginning of the Durrani Dynasty (A.D. 1747), while the restricted ethnological materials include architectural objects and wooden objects associated with Afghanistan's history, from the 9th century A.D. through A.D. 1920.

Though the measure is intended to halt the looting of Afghan cultural materials, the unusual circumstance of the Taliban takeover in the country may prove detrimental to the same materials. The CPIA requires seized objects to be returned to the State Party — in this case, the Taliban Ministry of the Interior, but the Taliban has been known to both destroy Afghan cultural heritage and to generate revenue through the illicit trafficking of Afghan antiquities.[5]

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[4] See Nicholas Dietz, "CPAC Update: New Leadership, Proposed MOUs, and the Issue of Jewish Communal Property," *IFAR Journal,* Vol. 19, no. 3, 2018, pp. 5-6.

Ironically, the latter may actually serve as an argument in favor of the new CPIA restrictions. Some people suggest that cutting off the American market to Afghan cultural objects may prevent the Taliban from financing its operations through antiquities trafficking.[6] It remains to be seen how the Afghan restrictions will be enforced; whether seized objects will indeed be returned to the Taliban; and whether the new restrictions will diminish the financing of Taliban operations.

Albania and Nigeria

On March 17, 2022, months after press releases from the U.S. State Department announced the agreements, two new MOUs — with Albania and Nigeria — finally entered into force.

As with the new MOU with Costa Rica, there was limited evidence of a U.S. market for looted Albanian cultural property. Nevertheless, the agreement between the U.S. and Albania imposes import restrictions on categories of archaeological material ranging in date from the Middle Paleolithic to the Ottoman period (approximately 300,000 B.C. to A.D. 1750), and ethnological materials dating from the Byzantine, Medieval, and Ottoman periods (from approximately 400 to 1913).

Nigeria is a very different situation. Much of its most precious cultural property, the so-called Benin Bronzes (taken by force in 1897 from the former Kingdom of Benin, in what is now Southwestern Nigeria), has long resided in Western museums and collections. Although the majority of Benin objects are in Europe, many have found their way into U.S. museums as well. It is not clear, however, that there is significant new importation, which is all that is affected by the CPIA. There is momentum, however, in Europe and in the U.S. for repatriation of these objects. On March 8th, just before the U.S.-Nigeria MOU entered into force, the Smithsonian announced that it would return to Nigeria most of the 39 Benin Bronzes in its collection.[7] Under the new CPIA restrictions, archaeological materials ranging in date from approximately 1500 B.C. through A.D. 1770 will be restricted. The designated list of restricted objects explicitly includes ceremonial and ritual objects from Benin, dating from A.D. 200 through the early 20th century. Like all CPIA restrictions, however, enforcement is not retroactive and doesn't affect the Benin objects already in the U.S.

> "The designated list of [Nigerian] restricted objects explicitly includes ceremonial and ritual objects from Benin, dating from A.D. 200 through the early 20th century."

RENEWED AGREEMENTS

Greece

In considering Greece's request for a five-year extension of its MOU that was set to expire in November 2021 and was originally enacted in 2011, CPAC also reviewed amendments to expand restrictions to include post-Byzantine archaeological material and ethnological material dating up to A.D. 1830.

Despite some protestations pertaining to coin collecting, CPAC approved the extension and amendments, including an expanded Designated List of restricted items, notably certain coins from the Byzantine and Medieval periods, and post-Byzantine ethnological material up to A.D. 1830. The agreement entered into force November 21, 2021, for five years.

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[5] See, for example, Sharon Flescher, "UNESCO Drafts Declaration against Intentional Destruction of Cultural Heritage," *IFAR Journal,* Vol. 6, nos. 1 & 2, 2003, p. 7.

[6] Nikita Lalwani, "State of the Art: How Cultural Property Became a National-Security Priority," *Yale Law Journal* 130 (July 19, 2020).

[7] Matt Stevens, "Smithsonian to Return Most of Its Benin Bronze Collection to Nigeria," *New York Times,* March 8, 2022.

"Opposition to Turkey's request came from several quarters, including the Association of Art Museum Directors (AAMD), which argued that Turkey didn't satisfy *any* of the four determinants for a CPIA agreement …"

Egypt

The agreement with Egypt (originally effective December 2016) was amended and extended for another five years effective December 1, 2021. While the 2016 Agreement restricted the importation of designated objects dating from 5,200 B.C. through A.D. 1517, the 2021 Agreement broadens the restrictions to categories of archaeological material ranging in date from approximately 300,000 B.C. to A.D. 1750. The new agreement also expands restrictions on categories of coins that did not appear on the 2016 list, such as Byzantine and Arab Byzantine, and Islamic/Medieval and Ottoman coins. The 2021 Agreement also extends import restrictions on categories of ethnological material dating from A.D. 1517 to 1914, including architectural elements, manuscripts, ecclesiastical objects, and ceremonial and ritual objects of Islamic culture. Interestingly, the designated list explicitly excludes "Jewish ceremonial or ritual objects" from the categories of restricted ethnological materials. In doing so, it follows the precedent set by the January 2021 agreement with Morocco to exclude Jewish cultural objects from such agreements.

Bolivia, Colombia, Italy

Also in 2021, the United States extended for another five-year period, without change, existing bilateral agreements with Bolivia, Colombia and Italy. Bolivia's cultural property has been protected under the CPIA since emergency import restrictions were introduced in 1989. Colombia and Italy have had bilateral agreements with the U.S. under the CPIA since 2001 and 2006, respectively.

A New Request—from Pakistan

On April 26 of this year, a request for a first-time bilateral agreement with Pakistan under the CPIA was discussed at a CPAC meeting. The request was not unopposed. As has been the case with several other recent country requests, opponents pointed to Pakistan's internal corruption, its alleged disregard for minority cultural heritage (in this case, Hindu), and Pakistan's poor record of caring for its own cultural heritage (again, one of the four determinants that CPAC members have to consider when deciding whether to approve a MOU). We will see how the request proceeds through the process and will report back in a future issue of the *Journal*.

Meanwhile, at CPAC's July 26, 2022 meeting, Libya's request for a 5-year extension of its 2018 agreement was discussed—not with unanimous enthusiasm, as was the extension request from the Central American country of Belize, rich in Mayan archaeological heritage, whose original agreement was effective in 2013 and was renewed in 2018. Both agreements will expire in 2023.

A SEISMIC SHIFT IN CPAC MEMBERSHIP

In August, President Biden announced the appointments of 8 new members of CPAC, a major turnover (of almost 75%) for the 11-member advisory body, whose members serve – in principle – for 3-year terms, although many have served much longer. By law, the Committee must be representative of the interests of the communities it serves. Two members are intended to represent the interests of museums; three represent archaeology, anthropology, ethnology and related fields; three members should be expert in the international sale of cultural property; and three represent the interests of the general public. In practice, it has not always worked out as intended. There were many years when no one represented or was expert in the international sale of the type of cultural property affected by the CPAC decisions. IFAR has written about this situation on several occasions. It remains to be seen how the new make-up of the Committee will pan out.

The new CPAC members are:

- **Alexandra Jones,** who will be the new Chair. She is a professor at Goucher College and represents archaeologists.
- **Alex W. Barker,** also representing archaeologists, is Director of the Arkansas Archaeological Survey.
- **Andrew Lamarche Connors,** representing museums, is Director of the Albuquerque Museum.
- **Michael Findlay,** Director of the Acquavella Galleries in New York, with a specialty in late 19th and 20th Century Art, is an expert in the international sale of cultural property.
- **Cynthia Denise Herbert,** also an expert in the international sale of cultural property, is President of Appretium Appraisal Service, LLC, and Past President of the Board of the Appraisers Association of America.
- **Nii Otokunor Quarcoopome,** representing museums, is the Curator of African Art at the Detroit Institute of Arts.
- **Miriam T. Stark,** an anthropological archaeologist representing the interests of that field, is a Professor at the University of Hawaii, with field experience in Cambodia.
- **William A.K. Titelman,** an attorney and businessman from Pennsylvania, will represent the interests of the general public.

Three current members of the CPAC will carry over, presumably until their terms expire on April 25, 2023. Two represent the general public, and one is an expert in the international sale of cultural property.

As if this were not sufficient news, the State Department announced on June 15, 2022 that the CPAC Charter was renewed for 2 more years. The renewed Charter was filed with Congress on March 22.

—HANNAH WOLFE
Legal Research Associate, IFAR

and **SHARON FLESCHER**
Executive Director, IFAR

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CASSIRER CASE RETURNS TO THE LOWER COURT AFTER SUPREME COURT RULING

Some restitution claims seem to go on forever. The Cassirer family's fight to recover *Rue Saint-Honoré, après-midi, effet de pluie* by Camille Pissarro from the Thyssen-Bornemisza Foundation ("Foundation") is one of them. IFAR has written about this dispute on many occasions as the case has bounced between the Federal District Court for the Central District of California ("District Court") and the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit") over issues related to the Foreign Sovereign Immunities Act ("FSIA"), choice-of-law rules, and the definition of a single Spanish word–*encubridor.*

Since *IFAR Journal's* last report on this case (Vol. 19, no. 4), the Cassirer heirs appealed the District Court's May 2019 "take nothing" order to the Ninth Circuit. The parties resumed arguing over the existing issues, including the Baron Thyssen-Bornemisza's knowledge of the painting's provenance when he acquired it, whether to impute that knowledge to the Foundation (which received the Pissarro from him in 1993), the definition of willful blindness under Spanish law, whether the plaintiffs' claim is time-barred or precluded by laches, and the choice-of-law itself.

In August 2020, the Ninth Circuit upheld the District Court's findings concerning the actual knowledge of Baron Thyssen-Bornemisza and the Foundation, and declined the Cassirer request to revisit the Ninth Circuit's own decision from 2017 regarding the choice-of-law, the HEAR Act, the Spanish Heritage Historical Law, the European Convention on Human Rights, and adverse possession. Additionally, while the Ninth Circuit agreed that compliance with the Washington Principles was voluntary and unenforceable by a U.S. court, the court was frustrated with the defendants not meeting their moral obligations under these Principles. The court denied the Cassirer heirs' petition to rehear the case and the District Court subsequently entered the appellate decision in December 2020, which terminated the case on the date of its dismissal—May 17, 2019.

Still unsatisfied with the outcome, in May 2021, the Cassirer heirs turned to the United States Supreme Court, requesting a review of the decision on the choice-of-law issue (a determinative factor with respect to what substantive law shall ultimately govern the case). In September 2021, the Supreme Court agreed to review it. (IFAR readers will recall that the Foundation had previously asked the Supreme Court to take a look at this case and received a denial. See *IFAR Journal*, Vol. 19, no. 4.)

What was at stake? If the Supreme Court held that federal common law applied with respect to the choice-of-law, then the painting would stay in Spain. If the Supreme Court held that California's choice-of-law rule applied, the case would be remanded to the lower court for re-adjudication. The latter is exactly what happened.

During the proceedings, the Cassirer heirs reiterated their view. Under California law, the Foundation, as the holder of stolen property, could not acquire good title (a well-established principle under U.S. Common Law). Under Spanish law, which had been applied, an adverse possession rule protected the Foundation's title. Allowing the court to use Spanish law was squarely against the choice-of-law principles regularly relied on in other FSIA cases.

On April 21, 2022 the Supreme Court unanimously vacated the Ninth Circuit's decision and remanded the case to the lower court for re-adjudication. In a relatively short opinion and relying on Section 1606 of the FSIA, the Supreme Court held that once a plaintiff overcomes the jurisdictional hurdles of foreign sovereign immunity, the foreign sovereign has to be treated like any other private litigant and to rule otherwise would not only create unfair outcomes for litigants, but would also be contrary to the long-established application of state choice-of-law rules in other FSIA suits. Justice Kagan, who delivered the opinion, concluded with a simple and somewhat ominous statement: "A foreign state or instrumentality in an FSIA suit is liable just as a private party would be."

So, the Cassirer heirs will have another day in court and perhaps a chance to win back the painting. As *IFAR Journal* went to press, a court date had not been set.

—POLINA IVKO
Legal Research Consultant, IFAR

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TWO SCHIELE WORKS ON PAPER TO BE SOLD AT AUCTION AFTER DECISION IN TITLE DISPUTE

Readers of the *IFAR Journal* are familiar with the long legal battle between the heirs of Fritz Grunbaum and British art dealer Richard Nagy over title to two Egon Schiele works on paper: *Woman in a Black Pinafore* (1911) **(FIG. 1)** and *Woman Hiding Her Face* (1912), said to have been sold to Nazis under duress. After nearly seven years of litigation in New York state courts, *Reif v. Nagy* has come to a close, with ownership going to the Grunbaum heirs.

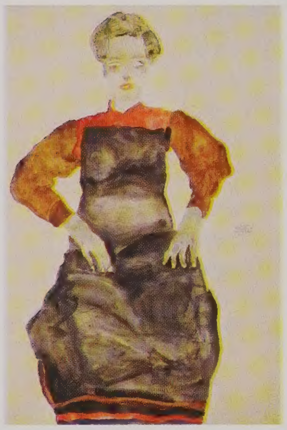

FIGURE 1. Egon Schiele, *Woman in a Black Pinafore,* 1911. Gouache, watercolor and pencil on paper. 48.5 x 32.2 cm. Ph: courtesy Christie's.

In 2019, the New York Appellate Division affirmed a lower court's holding that Mr. Grunbaum's heirs had a superior claim to the Schiele works;[1] the heirs had not waited too long to bring a title claim; and Mr. Nagy had not been prejudiced by any delay. The *IFAR Journal* had already reported on the surprising nature of the 2019 ruling (Vol. 20, nos. 1 & 2), as some thought that the Appellate Court's decision conflicted with *Bakalar v. Vavra,* a 2012 deferral court ruling on another Schiele work from the collection. In that case, other heirs of Mr. Grunbaum, a successful cabaret artist and art collector, who died in Dachau in 1941, unsuccessfully sued art collector David Bakalar to recapture title to *Seated Woman with Bent Leg (Torso)* (1917), which the Nazis also allegedly stole from Mr. Grunbaum. That court held that the heirs waited too long to sue for the painting, as the necessary witnesses had long passed away and allowing the case to proceed would be prejudicial to Mr. Bakalar.

Mr. Nagy had the opportunity to take a "second bite of the apple" and so he appealed the 2019 ruling directly to the New York Court of Appeals. While Mr. Nagy's appeal was pending, the parties litigated the amount of damages that the heirs would receive. In March 2022, the New York Supreme Court awarded the heirs a total of $700,964 in damages, costs, and prejudgment interest. In May, the Court of Appeals denied Mr. Nagy's appeal, without an accompanying opinion. In other words, the court did not provide Mr. Nagy any future opportunities to challenge the previous rulings.

The May 31, 2022 issue of the *New York Post* reported that Timothy Reif, one of the Grunbaum heirs who prevailed in the case, said that the two Schiele artworks would be sold at Christie's in fall 2022, with the proceeds going towards a foundation that supports young artists. Christie's confirmed to IFAR that both works will come up for sale on November 17, 2022 at the 20th Century Evening Sale.

—P.I.

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[1] *Reif v. Nagy,* 175AD3d 107 (N.Y. App. Div. 2019).

• • •

In Brief—

A Museum by any Other Name? ICOM Issues New Museum Definition—But Not without Controversy and Struggle

We may think we know what a museum is, but coming up with a definition that fits the 21st Century didn't prove so easy for ICOM – the International Council of Museums. (IFAR's Executive Director is one of its approximately 49,000 members).

At the end of its triennial conference in August 2022 in Prague, ICOM issued its long-sought-after new definition:

> A museum is a not-for-profit, permanent institution in the service of society that researches, collects, conserves, interprets, and exhibits tangible and intangible heritage. Open to the public, accessible and inclusive, museums foster diversity and sustainability. They operate and communicate ethically, professionally, and with the participation of communities, offering varied experiences for education, enjoyment, reflection, and knowledge sharing.

Several of the words – accessible, inclusive, diversity – reflect the issues that individual museums are grappling with as they try to balance their traditional role of acquiring, exhibiting and conserving objects with the socially-engaged role they are now expected to play.

The definition of a museum was last changed in 2007, but not by much. Starting in 2016, however, ICOM began a process to review the definition, a process which became more fraught at its 2019 triennial in Kyoto, when a more radical definition was proposed. Traditionalists were pitted against their more "woke" counterparts, and many national ICOM branches, particularly in Europe, openly objected. The Kyoto conference voted to postpone a decision. The dissention led to the resignation of ICOM's President and several committee members. This time around, the process was calmer. Emails were sent to ICOM members asking for input over a period of many months. In the end, a great majority voted in favor of the new 2022 definition, although neither extreme seemed fully happy with it. But as one leader said, it is "a start."

• • •

New Law Mandates Notices by New York State Museums about Nazi-tainted Artworks

On August 10, 2022, Kathy Hochul, the governor of New York State, signed a new law mandating that all New York museums displaying works of art created before 1945, which changed hands "in Europe during the Nazi Era," 1933-45, through "theft, seizure, confiscation," and – notably – also through "forced sale or other involuntary means," must add public notices to that effect. The notices need to be prominent, to the extent practicable, and placed on placards or other signage near the artwork. Given the law's recent passage, it remains to be seen how museums will address it.

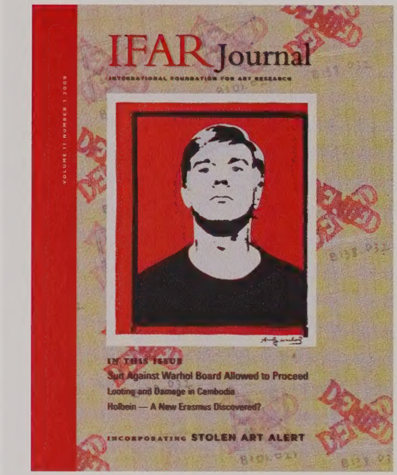
Sponsored by Democratic State Senator Anna M. Kaplan, but passed with bipartisan support in the Senate and Assembly by a vote of 61-0, the law went into effect immediately. It was first proposed in the previous legislative session, 2019-2020, and amends the State education law (section 233-aa). Its intent is to encourage transparency in relation to art stolen during the Nazi era in Europe, and goes beyond the previous State requirement that information about possibly stolen objects be sent to The Art Loss Register.

• • •

A Warhol Image Familiar to *IFAR Journal* Readers Scheduled for Auction

A Warhol silkscreen from the same series as a work at the center of a multi-year lawsuit begun in 2007 is scheduled for auction in Scottsdale, Arizona on October 22. By the time you read this news update, the sale may well have passed and we will know the answer as to the current market value of a controversial work whose authenticity was rejected by the Andy Warhol Art Authentication Board.

IFAR devoted several *IFAR Journal* articles (see, e.g., Vol. 11, no. 1, 2009, pp. 36-46) to the complex suit by


IFAR Journal
IN THIS ISSUE
Suit Against Warhol Board Allowed to Proceed
Looting and Damage in Cambodia
Holbein — A New Erasmus Discovered?
INCORPORATING STOLEN ART ALERT
DENIED

Cover of *IFAR Journal,* Vol. 11, no. 1, 2009.

film producer Joe Simon against the Andy Warhol Foundation, after its Authentication Board twice rejected the authenticity of his "Warhol" self-portrait print, which was identical to the silkscreen coming up for auction. Simon's work; nicknamed "Double Denied," was rejected despite having been previously "accepted" both by the Foundation and the Warhol Estate. Both Simon's work and the one now up for auction belong to a series of approximately 10 identical "Warhol" self-portraits on cotton duck canvas, with tomato red backgrounds and bright blue eyes, created in 1965 from the same acetate that Warhol used for a similar self-portrait series on linen canvas the year before. The 1964 series on linen is included in the catalogue raisonné and accepted as authentic, while the latter series, which lacks the hand painting of the linen series, is not. Nonetheless, an identical work from the 1965 series was chosen and approved by Warhol for the book jacket cover of Rainer Crone's 1970 Warhol catalogue raisonné, a predecessor to the current catalogue raisonné by the Warhol Foundation. The 1965 series was "spearheaded" by Richard Ekstract, a "tech guru" and publisher of a recording magazine, who was given the acetate from the 1964 series and, later, permission to keep the prints as a thank-you from Warhol and an exchange for Ekstract's help in getting Warhol tech equipment. It is his copy of the self-portrait that is coming up for sale in October. Richard Polsky, who authenticates Warhol's works, endorsed the Warhol attribution.

It will be interesting to see the price the work realizes. In December 2011, at an *IFAR Evening* devoted to the recent disbandment of the Andy Warhol Authentication Board in the wake of the lawsuit, the question was asked: "What do you think [Simon's silkscreen] is worth?" The answer: "It is worth nothing, because there is enough doubt hanging over it." Twelve years later, it remains to be seen whether that prediction was correct.

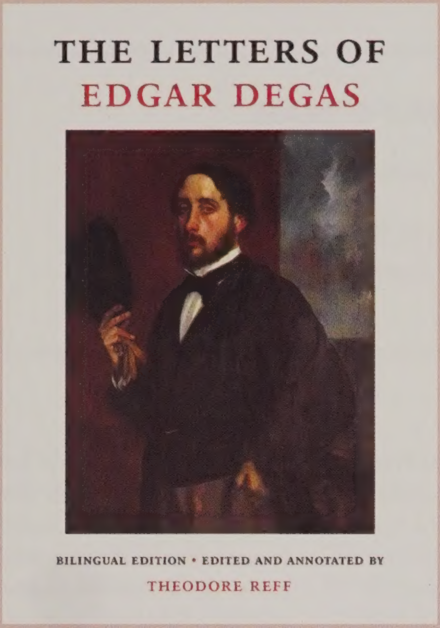
• • •

IFAR ART AUTHENTICATION RESEARCH SERVICE

For fifty-plus years, IFAR has offered a unique Art Authentication Research Service, which works to resolve questions concerning the attribution of works of art. As a not-for-profit organization with a distinguished Art Advisory Council and a worldwide network of scholars, IFAR is free to render objective opinions unaffected by the marketplace.

IFAR offers its services to individuals, dealers, museums, and other institutions. We examine art only for the owner, or with the owner's consent. We are only able to accept a limited number of projects each year. As an educational organization, IFAR reserves the right to publish the results of its research.

For additional information, please call (212) 391-6234 or go to www.ifar.org.



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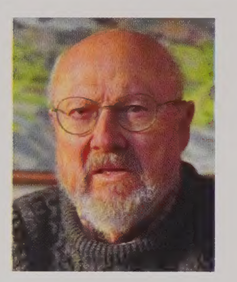
IN MEMORIAM



ARTHUR C. BEALE

1940-2022

CONSERVATOR, SCIENTIST, COLLEAGUE
Member, IFAR'S Art Advisory Council, 1985–2022

The past few years have dealt several blows to IFAR's Art and Law Advisory Councils, by way of the death of many of our cherished Council Members. And so it is that I, on behalf of all of us at IFAR, bid farewell to Arthur Beale, who joined IFAR's Art Advisory Council in 1985 and remained until his death on May 7, 2022.

Arthur, a distinguished sculpture and objects conservator, joined IFAR when he was the Director of the Center for Conservation and Technical Studies at the Harvard University Art Museums, and where he helped develop the post-graduate art conservation training programs. In 1986, he moved to the Museum of Fine Arts, Boston to become Director of Objects Conservation and Scientific Research and, later, in 1999, Chair of Conservation and Collections Management. Upon his retirement, he became Chair Emeritus. Arthur not only helped IFAR personally with several of its projects in the Authentication Research Service, but he also made the resources of the MFA's lab available to us.

Arthur frequently lectured and wrote about objects conservation and bronze casting techniques, and in 1999, in response to my request, wrote a fascinating article for IFAR on "Technical Examination Methods: A Retrospective Look at Degas' *Little Dancer Aged Fourteen*" (*IFAR Journal,* Vol. 2, no. 2, Spring 1999). As is well known, the beloved *Little Dance*r is the only sculpture that Degas exhibited in his lifetime. Created in wax, the full-size dressed version of the sculpture existed, Beale wrote, in 28 then known authorized bronze casts and two plaster casts. The article—a shorter version of his even more in-depth catalogue essay for an exhibition on Degas' sculptures recently on view at the Joslyn Art Museum in Omaha—tried to clear up the confusion surrounding the multiple versions of the sculpture, and the tell-tale signs of unauthorized bronze casts. It succeeded in doing so, and we were proud to publish it.

A scholar and a gentleman, we will all miss him and send our sincere condolences to his family.

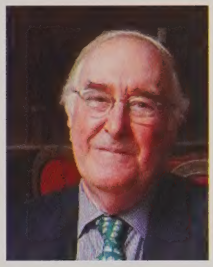
—SHARON FLESCHER
Executive Director, IFAR

IN MEMORIAM

JONATHAN BROWN

1939-2022

SCHOLAR, MENTOR, PROFESSOR
Member, IFAR's Art Advisory Council, 1976-2022



It was with great sadness that we learned of the passing in January of Jonathan Brown, longtime distinguished professor of Spanish and Latin American Colonial Art History at the Institute of Fine Arts at New York University.

Professor Brown joined IFAR's Art Advisory Council in 1976, and remained on our Council until his death. As a noted scholar and connoisseur of Spanish Baroque art, he consulted on paintings attributed to Ribera, Murillo, El Greco, Zurbarán and others submitted to IFAR for research.

In 1964, during a time when the study of Spanish art history held little interest outside of Spain, Brown earned his Ph.D. from Princeton University with a dissertation on Golden Age Painting in Seville. He later published this as *Images and Ideas in Seventeenth-Century Spanish Painting,* a groundbreaking critical study of Spanish Baroque art and culture. His 1991 textbook *Painting in Spain, 1500-1700* helped establish Spanish Baroque painting as an important area of art historical study. In his later career, Brown expanded his field of study to include the history of artistic patronage and collecting in Spain, and Viceregal art in Mexico.

Brown began his academic career as a professor at Princeton University before being recruited to the Institute of Fine Arts in 1973, where he served as Director until 1978, and then as the Carroll and Milton Petrie Professor of Fine Arts. His seminal courses on the history of Spanish and Latin American Colonial art produced a new generation of Hispanists who continue his legacy of scholarship in the field. I had the great privilege of having Jonathan as my mentor and advisor for my own dissertation on religious painting in Seville. It was he who introduced me to IFAR, and I enjoyed our continued association through his involvement with IFAR's Art Advisory Council. Jonathan was generous with his time and wise in his council—we will miss him.

IFAR extends its deepest condolences to Jonathan's wife, Sandra, and to their children and grandchildren.

—LISA DUFFY-ZEBALLOS
Art Research Director, IFAR

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DURESS—WHOSE DURESS?

DIFFERENT JURISDICTIONS, DIVIDED VIEWS AND CONFLICTING RULINGS

DAVID D'ARCY*

Lost during the Nazi Era and still not recovered are some 100,000[1] objects that were stolen outright or traded by Jews for visas, sold for cash to pay punitive taxes, fund escapes, or support new lives as refugees. These latter categories, generally referred to as "forced sales" or "sales under duress," factor into recent lawsuits that are shaping the future of restitution, or cauterizing it, depending on whom you ask. Some call it restitution's last frontier.

> "In the United States debates over duress are putting disputes over art that changed hands during the Nazi Era back in court, precisely what the Washington Principles were designed to avoid."

In particular, Fluchtgut (flight assets) —art sold outside Germany by their owners *after* fleeing—is heating up the debate over how broadly duress can be defined, and how much proven duress merits restitution.

The 1998 Washington Principles on Nazi-Confiscated Art, endorsed by 44 countries, called on disputing parties to reach "just and fair solutions." Yet in the United States debates over duress are putting disputes over art that changed hands during the Nazi Era back in court, precisely what the Washington Principles were designed to avoid.

In Houston in May 2022, a judge dismissed the claim by heirs of a German-Jewish collector, converted to Christianity, who owned a painting by Bernardo Bellotto that ended up in the hands of Karl Haberstock, Hitler's personal art buyer, and eventually at The Museum of Fine Arts, Houston.[2] The museum argued that the collector, Max Emden, had shopped the picture around to get the best price, which, the museum's lawyers said, was hardly a sign of duress. Yet the German government last year returned two landscapes by Bellotto owned by the same collector that had been sold under the same circumstances. (See below.)

"Duress is one of the major unanswered issues," said a longtime observer of restitution battles; "what one country thinks is a sale under duress doesn't mean a darn thing to somebody else in another country."

ZUCKERMAN

In New York in 2018, The Metropolitan Museum of Art prevailed in a lawsuit in U.S. District Court brought by the heirs of Paul

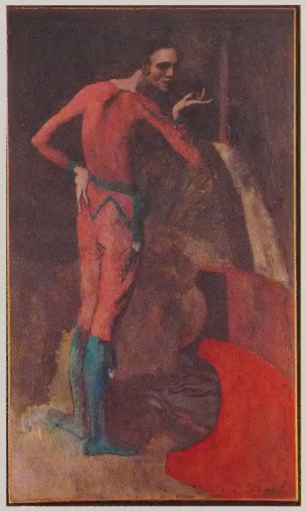

FIGURE 1. Pablo Picasso, *The Actor,* 1904-05. Oil on canvas. 196.2 x 115.3 cm (77 ¼" x 45 ⅜"). The subject of a restitution claim by an heir of the Leffmann family. Ph: courtesy The Metropolitan Museum of Art. ©2022 Estate of Pablo Picasso/ARS, New York.

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* David D'Arcy is a journalist who writes frequently on Nazi-Era art issues, for publications such as *The Art Newspaper, IFAR Journal,* and others.

[1] There is no "official" number of unrestituted art objects (including stolen objects and forced sales), but 100,000 is a frequently used estimate.

[2] *Emden et al. v. The Museum of Fine Arts, Houston,* No. 4:2021-cv-03348 (S.D. Tex. 2022). The legal decision in fact was not based on the merits of the duress claim. The court said it would otherwise have to invalidate a sovereign act under the Act of State doctrine. In August 2022, as *IFAR Journal* was going to press, the plaintiffs filed a First Amended Complaint to address the Act of State issue and others. Amended Complaint, *Emden, et al. v. The Museum of Fine Arts, Houston,* No. 4:21-cv-03348, (S.D.Tex. Aug. 16, 2022).

and Alice Leffmann, once the owners of the Pablo Picasso painting, *The Actor* (1904-05).[3] **(FIG. 1)**

Paul Leffmann, a German-Jewish collector who fled Germany for Italy in 1937, sold the picture (which had been sent to Switzerland for safe-keeping) in 1938 to two French dealers to fund his escape with his wife to Brazil. The painting, exhibited at MoMA in 1939, was then sold twice in New York, before it was donated to the Met in 1952. The Leffmanns' great-grandniece, Laurel Zuckerman, demanded it back, stating that the sale was linked directly to her family's persecution by the Nazis – grounds for its return, her lawyers argued.

In ruling against Zuckerman, U.S. District Court Judge Loretta Preska wrote that, "courts have noted that 'an element of economic duress is … present when many contracts are formed.' For that reason, a party seeking to void a contract on the basis of economic duress bears a heavy burden. … Mere hard bargaining positions, if lawful, and the press of financial circumstances, not caused by the defendant, will not be deemed duress. … Additionally, pressure exerted from general economic conditions is not enough to allege duress."

"Although the Leffmanns felt economic pressure during the undeniably horrific circumstances of the Nazi and Fascist regimes," Preska wrote, "that pressure, when not caused by the counterparties to the transaction (or the Defendant) where the duress is alleged, is insufficient to prove duress with respect to the transaction."

Some say this opinion, particularly Preska's reference to Nazi persecution as "the press of financial circumstances" and her observation that "an element of economic duress is present when many contracts are formed," has the effect of normalizing or even trivializing persecution under the Nazis. The effect, critics say, is that duress is viewed as yet another general reason for art to come on the market—along with death, divorce, and debt.

Those same critics note, in a much-quoted phrase from the *Menzel v. List* case of 1966, that the loss of property by Jews as they fled for their lives "was no more voluntary than the relinquishment of property during a holdup."

Put differently, they say, victims of "economic pressure" in the Nazi Era are determined not to have suffered enough. As one veteran of restitution disputes put it: "If you didn't make it to the ramp of Auschwitz, people can make counter-arguments that it wasn't all that bad."

Preska's decision was upheld on appeal in 2019 by the Second Circuit, which ruled not on the alleged duress, but cited laches (an equitable doctrine), stating that Zuckerman waited too long to bring her claim related to the 1938 sale and the delay was prejudicial to the museum. The Supreme Court chose not to take the case.

Lawrence Kaye and Howard Spiegler, lawyers who represented Laurel Zuckerman, note that the Holocaust Expropriated Art Recovery Art of 2016 (HEAR Act) incorporates provisions from the 1998 Washington Principles and the Terezin Declaration of 2009, which call for the recovery of works of art sold under persecution.

"Clearly that must mean that the American policy has been adopted, and that includes that if something has been taken under duress, it should be returned," said Kaye, acknowledging that neither the Washington Principles nor the Terezin Declaration are legally enforceable.

"Neither the Washington Principles nor the Terezin Declaration mentions flight assets."

"The HEAR Act is a law," Spiegler stressed, "and the principles behind that law reflect the fact that the United States policy is to include duress as a basis for returning art."

"It's important to argue that these are not usual transactions. They're remarkable and extraordinary transactions, and therefore the law from before can't just be applied. It's different," he said. "That's the predicate for why the commissions in Europe are returning pictures that were sold under duress," he noted, citing the return of works from museums in Europe, especially Germany.

---

[3] *Zuckerman v. Metropolitan Museum of Art*, 928 F.3d 186 (2d Cir. N.Y. 2019).

That position brings a strong reaction from William Charron, one of the lawyers in New York who represented the Met in the Zuckerman case. "You have people now arguing that the HEAR Act effectively should be seen as enlarging the meaning of duress, that the policy that motivated the passage of the HEAR Act is enough to constitute a new law of duress. There's advocacy out there that is basically trying to make the HEAR Act like a Nullity Act," said Charron, referring to a post-war Austrian law that nullified – ruled illegal – Nazi-Era sales of property unless it could be shown that the transaction would have taken place even without the Nazis.

A reality check on claims citing duress came from the lawyer Jonathan Olsoff, formerly at Sotheby's, now with the firm Olsoff Cahill Cossu. Olsoff represents parties who hold the art being claimed in a few duress cases.

"Claims to artworks arguably sold as a result of 'duress' are, legally, extremely difficult to pursue under New York law. To win, the claimant[s] or their heirs have to show more than a generalized fear arising out of political circumstances. Typically, a court requires evidence that a specific defendant [to a claim based on duress] made direct threats of some kind," Olsoff wrote in an email. "In our experience, such claims are typically resolved based on a thoughtful review of the particular circumstances of the claimant, the person who suffered the duress, as well as those of the current owner of the artwork; their view of the ethical and moral dimension of such claims; any fiduciary obligations they might have; and their willingness to litigate if necessary."

From this perspective, claims to recover art sold under duress sound like other restitution cases, only more difficult for claimants to win, at least in the United States.

On the other side of the debate is this extended excerpt from Marc Masurovsky's Plundered Art blog in 2016, which considered duress regarding Fluchtgut claims:[4]

> "Let's suppose that our Jewish refugee shipped in an understandable panic several valuable works of art, expensive jewelry, stocks and bonds, bearer shares, and other fungible goods, to the United States. She was able to make her way west with the little that she could carry with her. If she left right after Hitler's rise to power, she would have been able to take more than the clothes on her person and a suitcase packed with goodies.
>
> But that did not last long. Soon thereafter, crates were stuck in freight forwarding houses on orders from Reich authorities, bank accounts were frozen, excessive levies were imposed on departing German citizens. One had to resort to very creative scenarios to send out "flight assets" to foreign havens, scenarios that often involved accomplices, non-Jewish accomplices. In many instances, these go-betweens, if motivated by lucre, could earn significant sums helping to smuggle these 'flight assets' into safe havens outside of Nazi Germany."
>
> "What if our refugee sold her 'flight assets' once she reached New York, Boston, or even Toronto, or Montreal? Would we still consider these assets as 'flight assets' and therefore restitutable? If we are faithful to the definition that we laid out above, it does not really matter where those 'flight assets' ended up because it does not alter the circumstances under which they were shipped in the first place."
>
> "If we decide that 'flight assets' belong in the same category as 'duress' and 'forced sales,' we are obligated to consider them as items subject to restitution or compensation for the same reason as assets sold under 'duress' in Nazi Germany or in territories occupied or annexed by the Third Reich."

THE FOXES

In March of this year, *The Foxes* (Die Füchse), a 1913 painting by Franz Marc, was sold at Christie's, London for almost $52 million, including premium (The 20th/21st Century: London Evening Sale, March 1, 2022, Lot 34). **(FIG. 2)**

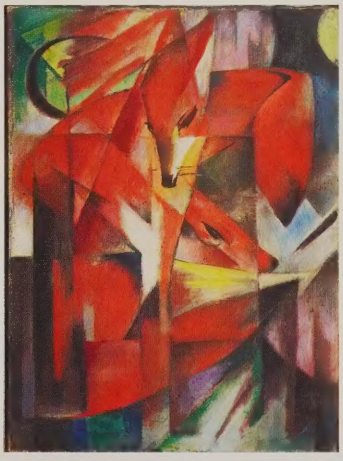

FIGURE 2. Franz Marc, *The Foxes,* 1913. Oil on canvas. 88 cm × 66 cm (35" x 26"). Restituted by the city of Düsseldorf to the heirs of Kurt Grawi and sold at Christie's London in March 2022. Ph: Kunstpalast - LVR-ZMB-Stefan Arendt.

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[4] Marc Masurovsky, 8 Nov. 2016, https://plundered-art.blogspot.com/2016/11/pondering-flight-assets-fluchtgut.html.

In 2021, the German Advisory Commission on the return of Nazi Era cultural property ordered the city of Dusseldorf to return the painting to the heirs of Kurt Grawi, a Jewish banker and collector whom the Nazis held in the Sachsenhausen concentration camp in 1938. Grawi fled to Chile in 1939, and sold the painting (shipped abroad) in New York in 1940 to offset the cost of his departure from Germany. The buyer then sold the work in 1942 to the German emigré film director William Dieterle.

Kurt Grawi died in 1944. The Grawi family never listed the painting among the assets for which they sought compensation after the war.

The city of Dusseldorf held the painting since 1962, when it was donated by the department store magnate Helmut Horten, who bought it the previous year. Horten's fortunes rose under Hitler and his Nazi-tinged notoriety weighed heavily in the debate over returning the picture to Kurt Grawi's heirs. The mayor of Dusseldorf resisted removing the picture from the Museum Kunstpalast, where it had been on view, noting that the work, never seized by the Nazis, had been sold outside Germany. Under public and legal pressure, he accepted the decision of the Advisory Commission.

The Commission ruled in favor of Grawi's heirs, even though Grawi sold *The Foxes* outside the Third Reich and Nazis themselves had neither seized it nor bought it at a reduced price. The Commission concluded that Grawi would not have sold the painting if he had not suffered persecution under the Nazis.

The Zuckerman and Grawi cases, in the U.S. and Germany respectively, reflect differences in law and in restitution policy and practice in the two countries. In neither country is the definition of duress entirely clear. In the U.S., which signed both the Washington Principles and the Terezin Declaration, international agreements calling for "fair and just solutions" to disputes over art that changed hands due to Nazi persecution, those disputes tend to be decided in court. In Germany, which also signed the Washington Principles and Terezin Declaration, art held in private hands is out of legal reach. State museums, however, are required to follow extralegal decisions of the Advisory Commission of appointed members who can order works to be restituted.

The Washington Principles do not mention art sold under duress, although the Terezin Declaration does. So does Military Government Law No. 59 ("MGL No. 59"), entitled "Restitution of Identifiable Property," which defines property as "confiscated" if it was (1) acquired not in good faith, under duress, or otherwise an unlawful taking; (2) seized by government act or in abuse of a government act; or (3) seized as a result of measures taken by the Nazis. Neither the Washington Principles nor the Terezin Declaration mentions flight assets.

"The Zuckerman and Grawi cases, in the U.S. and Germany respectively, reflect differences in law and in restitution policy and practice in the two countries."

Since September's parliamentary elections in Germany, some there see a broadening of possibilities for restitution of works now in museums, and possibly a lifting or lengthening of the statute of limitations on claims. The vigorous and expanding campaign on moral grounds to return Benin Bronzes in German museums to Nigeria, even though no German laws were violated at the time of their acquisition in a bloody British raid on the city of Benin, is an example of this change. Public pressure on museums in Germany could also help rally support for the return of objects in the same museums (including Fluchtgut) sold by Jews persecuted during the Nazi Era.

THE GUELPH TREASURE

In the United States, however, lawyers like Nicholas O'Donnell see a similar category of claims at risk.

O'Donnell represents the heirs of three German Jewish art dealers who sold 42 medieval treasures from the Welfenschatz, or Guelph Treasure, in 1935 in Germany, at prices that the heirs say were suppressed because the dealers were Jewish. They had unsuccessfully tried to sell the same objects in the U.S. in 1931-32. Suing Germany and the Prussian Cultural Heritage Foundation (SPK) in federal court in the U.S., their case ultimately went to the Supreme Court, which remanded the case to the lower courts for further proceedings, but also affirmed Germany's immunity from suit. Chief

Justice John Roberts wrote in a unanimous opinion that the Foreign Sovereign Immunities Act protected Germany regarding acts committed by the German state in Germany against its own citizens.[5] The case against the SPK is ongoing.[6]

The disputed works, religious objects from the 11th to 13th centuries now in the Bode Museum in Berlin, were acquired from the dealers by Karl Haberstock for the collection of Hermann Goering, who later gifted them to Hitler. O'Donnell says that was not a transaction where Jewish dealers could expect a fair price.

"You would have to climb a very high mountain to convince me that any transaction between Karl Haberstock and a Jew is a fair transaction," said O'Donnell, referring to the dealer who acquired art for Hitler's planned Führermuseum in Linz.

Getting a fair hearing for duress claims in the U.S. is another problem, he said. "The presumption is that if something changed hands in a place where the person who lost it was in a victimized group—you start with the premise that it was invalid. I think that is a legal and ethical principal that is unassailable. That principal is under assault. That principal is absolutely under assault."

"It's the biggest category of objects out there for which, to be fair, there is something less than conclusive documentation of confiscation. That's where the battleground is," O'Donnell added. "The forces of the market, the forces of inertia want things not to be unsettled. It's easier to say, 'I don't see proof that something was sold under duress, so it must not have been'."

O'Donnell sees broader implications. "People are working very hard to do just that, to chill restitution for good, and that has always been true, to some extent. That faction feels that they're running downhill right now, and they're eager to keep going."

• • •

The dealer Jane Kallir, whose grandfather Otto Kallir, a Jewish art dealer in pre-War Vienna who relocated his Galerie St. Etienne to New York in 1940, sees things differently. She isn't asking for the return of objects that he sold to pay his way out of Europe.

"Many people sold art from their collections in order to finance their escape from the Nazis and their new lives in exile. My grandfather, a collector and dealer in Vienna, was aware early on of the Nazi threat, and in 1935, he sold his collection of historic aeronautical memorabilia in Switzerland," she said. "He kept the sales proceeds there, and when it came time, three years later, for him and the rest of my family to flee, that money enabled them to do so."

"My grandfather helped many people who had been victims of Nazi looting (most notably, Alma Mahler and Lea Bondi) in their efforts to recover art after World War II. [Lea Bondi was the Viennese art dealer who owned Egon Schiele's *Portrait of Wally* (1912), which she handed over to the Nazi Aryaniser of her gallery the night before she and her husband fled to London in 1939. The picture was seized by U.S. law enforcement while at the Museum of Modern Art in New York, on loan from the Rudolf Leopold Foundation in 1997.] But he would never have considered filing a restitution claim for his aeronautical collection, or for the artworks that he sold in the late 1930s and early '40s, after my family had arrived safely in New York," she said.

"If these works had been 'stolen,' they couldn't have been sold. In the face of the millions who perished, it would have been grotesque to make a claim for artworks whose sale had enabled my family's survival. I believe many other refugee collectors felt similarly at the time," she noted.

EMDEN

Lawyers on both sides saw a test case in Houston, where the heirs of the above-mentioned collector Max Emden sued the Museum of Fine Arts (MFAH) to recover Bernardo Bellotto's *Marketplace at Pirna* (ca.1764), donated to the museum by the Kress Foundation in 1961. **(FIG.3)**

Emden, a real estate investor, a founder of the KaDeWe (Kaufhaus des Westens) department store and a major philanthropist in Hamburg, moved to

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[5] *Philipp v. Fed. Republic of Germany,* 15-cv-00266 (D.D.C. Feb. 22, 2022).

[6] As *IFAR Journal* was at press, the United States District Court of the District of Columbia ruled against the plaintiffs and granted the SPK's Motion to Dismiss the Complaint. Complaint, *Philipp, et al. v. Stiftung Pressischer Kulturbesitz,*15-cv-00266 (D.D.C. Aug. 25, 2022). On September 19, the heirs appealed to the Court of Appeals for the District of Columbia Circuit.

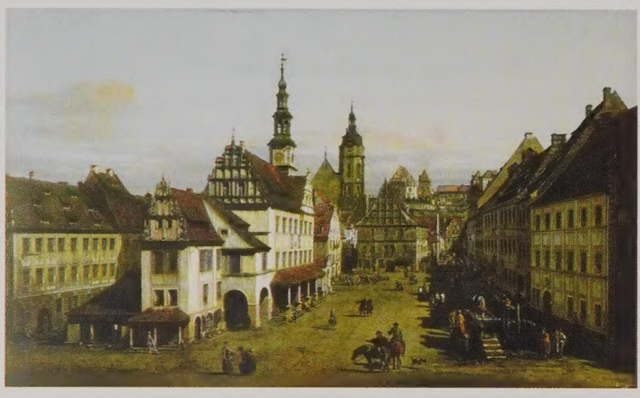

FIGURE 3. Bernardo Bellotto, *Marketplace at Pirna,* 1764. Oil on canvas. 48.3 × 79.7 cm (19" × 31 ⅜"). Subject of a restitution claim by the heirs of Max J. Emden. Ph: courtesy Museum of Fine Arts, Houston, Samuel H. Kress Coll.

Switzerland in 1933, but many of his assets remained in Germany. As the Nazi government imposed heavy taxes on the property of Jews, Emden needed cash. In 1938 he sold three works by Bernardo Bellotto (1721-1780), through the Jewish dealer Anna Caspari, to the previously mentioned Karl Haberstock. Funds from Emden, who died in 1940, helped family members flee Europe to Haiti, and then to South America.

The three Bellotto pictures were recovered after the war. Two were held by the German government, which took more than 70 years to return them to Juan Carlos Emden and his two brothers, all grandsons of Max Emden. The third picture, *Marketplace at Pirna,* was sent mistakenly to the Netherlands after the war. The Dutch government sent it to the dealer Hugo Moser, who sold it to the American collector and philanthropist Samuel Kress, the donor of the work to Houston.

Gary Tinterow, the MFAH's director, said that Max Emden freely sold the Bellotto that is now in the museum. Tinterow's comment to the *New York Times* in August 2021,[7] that European and U.S. museums had different standards for dealing with art that changed hands during the Nazi Era, may have sounded tone deaf, but it wasn't inaccurate. Nor did it differ from what other museums were saying. After Germany returned the works, judged to have changed hands because of Nazi persecution, Juan Carlos Emden, facing stiff legal bills, sold the two restituted Bellottos at Sotheby's London in the summer of 2020.

By that time, Juan Carlos Emden had already approached Christie's about another of his grandfather's paintings that he said was sold under duress – *Le Palais ducal* (1908), by Claude Monet **(FIG. 4),** consigned by the estate of the collectors Herbert and Adele Klapper and later removed from a November 2018 sale where other works from that estate brought more than $40 million. The Monet was estimated then at around $30 million. Juan Carlos's father, Max's son, had sold the Monet in Switzerland after he fled to South America. Christie's declined to sell the painting while awaiting a potential claim that was expected from the Emden family. Juan Carlos didn't file a claim for the painting, but the Klapper Estate's lawyers filed a demand in federal court in New York for declaratory judgment, which became stuck in arguments over jurisdiction.[8] In motions filed in that case, the Emdens' lawyer, Nicholas O'Donnell, said that the sale of the Monet was made under duress by a family that lost most of its property to the Nazis. A lawyer representing the Klapper Estate called that position extortionate.

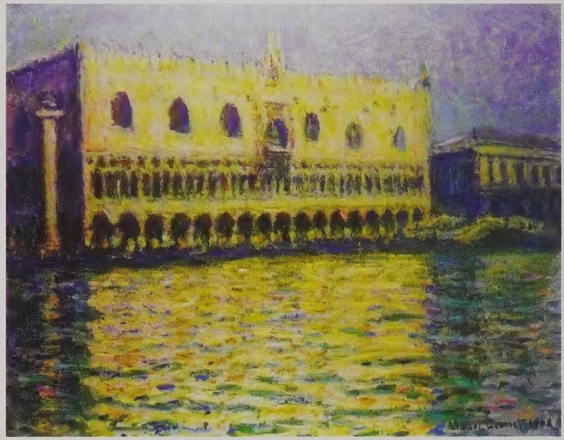

FIGURE 4. Claude Monet, *The Doge's Palace (Le Palais ducal),* 1908. Subject of a restitution claim by the heirs of Max J. Emden against the estate of Herbert and Adele Klapper.

The federal district court in New York ruled in April 2022 for the Klapper Estate, affirming their legal title to the Monet. Juan Carlos did not appeal, and quietly dropped his claim.

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[7] Catherine Hinckley, "What Constitutes Art Sales under Duress?" *New York Times,* August 17, 2021.

[8] *Bloom v. Emden,* no. 19-cv-10155 (S.D.N.Y. April 13, 2022). *New York Times,* August 17, 2021.

In Houston, where the Emdens' lawyers filed for the Bellotto picture's return, the claimants had an ally in the Monuments Men Foundation, now called the Monuments Men and Women Foundation. Robert M. Edsel, the Foundation's founder, noted that the two other Bellottos in the sale to Haberstock were viewed by the German government in the category of assets lost due to persecution. (It was a judgment that the Advisory Commission in Germany took decades to reach. All the while, one of the two paintings was on view in the residence of the president of the Federal Republic.)

The Monuments Men and Women Foundation's website posted a link to a 2007 provenance report on *Marketplace at Pirna,* prepared for the MFAH by Laurie Stein, which concluded that "the Emden heirs do not have a valid claim to MFAH's Bellotto painting." Annotations by the Foundation's provenance staff questioned the research in the Stein report and its conclusion that Emden had sold the work willingly to Haberstock because, among other things, he had received a fair price for the Bellotto.[9]

"Even *if* the museum's argument prevailed—that Emden voluntarily sold all three paintings to Haberstock," Edsel wrote in Artnet (August 31, 2021), "then the rightful owner would have been Adolf Hitler and the Reichschancellery [sic]. As successor to property owned by Hitler, the painting would then pass to the Federal Republic of Germany, as happened with Emden's other two Bellottos, who would then return the painting to Emden, just as they did the other two. It's a binary outcome. Either way, 'Houston, *you* have a problem'."

Yet a U.S. district judge in Houston dismissed the claim for the Bellotto earlier this year.[10] "The decision affirms our good title," said Gary Tinterow, Director of the MFAH. The museum's attorney, Thaddeus Stauber, told a reporter that "the museum is justified in its possession of the painting, and that the sale was not made under duress."[11]

"The Museum is playing a shell game, pleading technical but incorrect defenses that make a mockery of the Washington Principles," Edsel said in a statement after the court decision. "There is nothing 'fair and just' about gaming the system, and in my opinion, that is exactly what they are doing. This approach obviously sends a chilling message to claimants—and make no mistake: that is part of the motivation in employing this strategy. Anyone with a claim, those representing claimants, and all people of good will who, as a rule, want justice to prevail, has a vested interest in seeing the Emden case go to trial—or better yet, the Museum to promptly follow the Washington Principles and simply return Max Emden's third Bellotto to his grandsons, just as the Federal Republic of Germany did in 2019 when it returned to the heirs the other two Max Emden Bellottos."

Edsel wasn't the first to take a restitution dispute in the U.S. to the public, broadening the debate over sales of art under duress during the Nazi Era. In the Zuckerman case over Picasso's *Actor* at the Met, amici curiae (friends of the court) briefs supporting the Leffmann heirs were filed by current and former members of Congress who voted for the HEAR Act (and cited it), by B'nai B'rith and by Omer Bartov, a distinguished historian of the Holocaust. Also filing was Stuart Eizenstat, the godfather and negotiator of the Washington Principles who coined the memorable line, "fair and just solutions." The Met still won the case.

CASSIRER

Families and heirs seeking the return of works lost during the Nazi Era have not had consistent support from the Jewish community. Yet even when that support has come, as in *Zuckerman,* it has rarely carried much weight. Still, the same amici who weighed in on *Zuckerman* also filed a brief in support of the claimant David Cassirer in a long-running duress case (discussed many times in this Journal, including this issue, p. 8) in federal court in California.[12] Cassirer seeks the return of *Rue Saint-Honoré après-midi, effet de pluie* (1897), by Camille Pissarro, which Cassirer's great-grandmother had handed over to a Nazi dealer in Berlin in order to obtain an exit visa from Germany.

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[9] Monuments Men Foundation Analysis, August 30, 2021. https://6cc11eed-4e99-4b4c-8420-45f580f84a9.filesusr.com/ugd/b39bbe_fa6170246dbd483192e13b3e6d2c601e.pdf

[10] See above, fn 2.

[11] Duaa Faquih, *Houston Public Media,* May 31, 2022.

[12] *Cassirer v. Thyssen-Bornemisza Collection Foundation,* 862 F.3d 951 (9th Cir. 2017).

After the war, Lily Cassirer was compensated approximately $25,000 for the picture (the market value at the time). Her heirs want it back. The work is held by the Thyssen-Bornemisza Collection in Madrid, which was acquired by the Spanish government from a Swiss Baron of the same name. The museum refuses to return the work, even though Spain signed the Washington Principles. The U.S. Supreme Court recently decided unanimously on a procedural issue to remand the case back to the lower court in California. It is not clear whether this will affect the ultimate ruling, which has thus far been against the claimants.

In debates over duress, some advocates seemed to straddle the issue. The philanthropist and collector Ronald Lauder, chairman of the World Jewish Congress, called publicly for the return of Franz Marc's *The Foxes* to the heirs of Kurt Grawi. When the mayor of Dusseldorf questioned whether to return the picture, citing its sale outside Germany (and stating that Grawi was wealthy enough not to need the money from selling it), Lauder sent him a letter expressing "great concern," and threatening to sue the city over its "insufficient progress" in returning the painting. "Blatant inaction on the part of the city is simply not acceptable," Lauder wrote. It is not clear what legal standing Lauder would have had in that dispute.

On the other hand, Lauder was publicly silent on the Met Museum's position in the Zuckerman claim for *The Actor*. He also did not comment publicly on the Emden claim for the Bellotto painting in Houston.

The greater divide in these debates may be over the HEAR Act and, by extension, over the Washington Principles and other agreements that seek solutions that avoid conventional litigation.

"The Washington Principles are bullshit," said Robert Edsel of the Monuments Men and Women Foundation about the unenforceable guidelines. "It's an honor bar that has no manager checking to see whether anybody is doing what they're supposed to be doing."

Looking from the other side, William Charron saw a different threat. "Use the Holocaust in any sentence and you're going to get people's attention," said Charron, who stressed that he is Jewish. "The cases are not supposed to be rhetorical and speculative – they're supposed to be meaningful and grounded in evidence," he said. "That's where the concern really comes from, that if you've got over-aggressive claimants charging ahead, saying that this definition of duress has become really broad, unbounded, and effectively tied only to the question of whether something occurred during the period of the Holocaust or not, and that's all we need to show, we don't need to show any other evidence, that tilts the balance very heavily against the rights of good-faith possessors."

"People just have to be clear-eyed that there's an unfairness to that," said Charron, who expects more claims to recover works sold under duress.

Which leaves some heirs of those persecuted by the Nazis asking, "Unfair to whom?" It's an indication of the wide distance that parties need to bridge if they seek fair and just solutions, a distance that widens as we move more generations away from the persecuted families who sold those works.

"Like many topics, people remember a golden age that never was. People think of the Washington Conference as encapsulating a consensus that I don't think really existed as clearly as people thought it did," said Nicholas O'Donnell.

> "The spirit of the Washington Principles is to try to forge a compromise somewhere other than what the strictest interpretation of the law compels," he noted. "The spirit has been gone for a decade. That spirit has been trampled on for a very long time."

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FROM PERUVIAN CHURCH TO CALIFORNIA—AND BACK AGAIN

STOLEN *VIRGIN* REPATRIATED WITH HELP FROM IFAR'S CUZCO INVENTORY

LISA DUFFY-ZEBALLOS AND SHARON FLESCHER*

On April 22, 2022, in a ceremony held at the FBI's Los Angeles field office, U.S. authorities formally repatriated sixteen stolen artworks and historical artifacts to the Peruvian government **(FIG. 1)**. The objects, recovered by the FBI's Art Crime Team, included stone axe heads and other archaeological artifacts seized from the loot-filled basement of amateur archaeologist Don Miller, as well as historical documents and two Spanish Colonial religious paintings.[1] By far the most significant of these was a rare and large (7.25 x 4.66 ft.)[2] seventeenth-century painting depicting the *Virgin of Guadalupe* enveloped in a garland of roses **(FIG. 2)**.

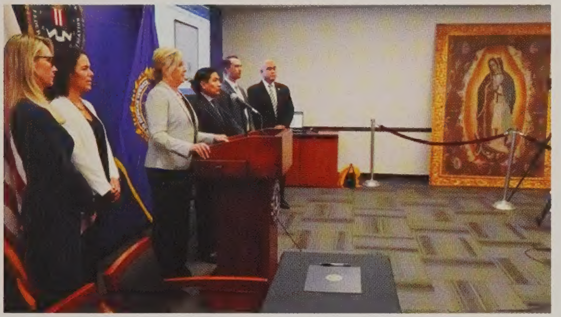

FIGURE 1. Repatriation ceremony held on April 22, 2022 at the FBI field office in Los Angeles (AP photo: Damian Dovarganes)

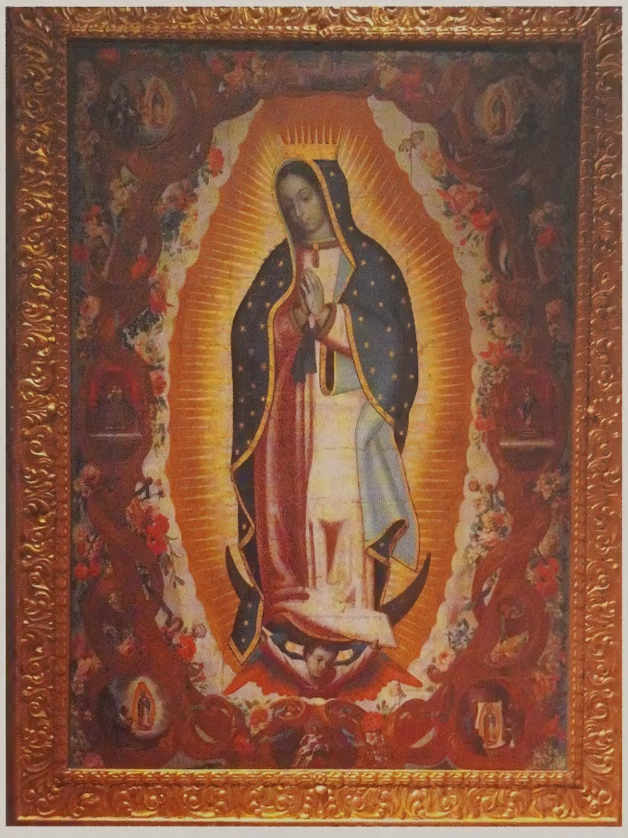

FIGURE 2. Nicolás Rodríguez Juárez, attrib., *Virgin of Guadalupe,* stolen from Santiago Apóstol, Ollantaytambo, Peru in 2002 (oil on canvas, 7.25 x 4.66 ft.).

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* Lisa Duffy-Zeballos, Ph.D. is Art Research Director of IFAR and Sharon Flescher, Ph.D. is Executive Director of IFAR.

[1] The second repatriated painting, of the *Pentecost,* was stolen in 2019 from the church of Santa Cruz de Orurillo in the city of Puno, on the shore of Lake Titicaca.

[2] The dimensions have been variously reported. IFAR is citing the painting's dimensions recorded by IFAR before it was stolen (see below).

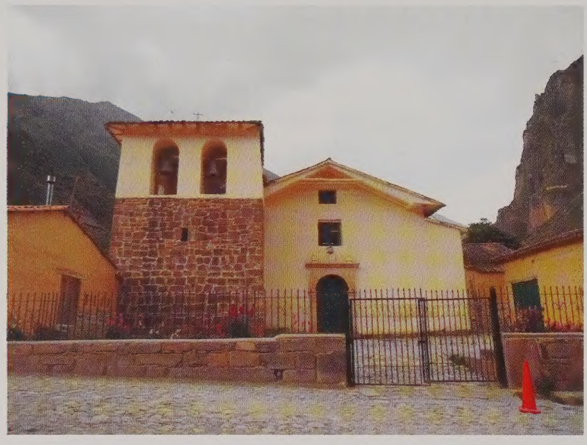

FIGURE 3. Church of Santiago Apóstol, Ollantaytambo, Peru. Photo: Thayne Tuason, Wikimedia Commons.

Stolen twenty years ago from the modest Church of Santiago Apóstol in the town of Ollantaytambo near Cuzco **(FIG. 3)**, the *Virgin of Guadalupe* reappeared in a more splendid setting, as the intended centerpiece of a gleaming glass and steel Roman Catholic cathedral in California **(FIG. 4)**. (The cathedral, too, had a story, but more about that below).

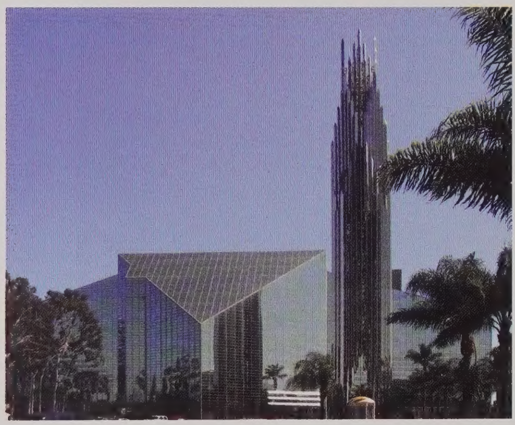

FIGURE 4. Christ Cathedral, Garden Grove, California. Photo: Arnold C. Buchanan-Hermit, Wikimedia Commons.

The repatriation was the end of an incredible journey for the painting. How the *Virgin* ended up in a California cathedral and, at some point, as the subject of an FBI investigation, and the role IFAR's Cuzco Inventory played in its recovery, is the focus of this article.

THE *VIRGIN'S* JOURNEY

While details regarding the painting's trajectory from Peru to California are still murky, the FBI's investigation indicates that the *Virgin of Guadalupe* was smuggled into the United States by a Bolivian art dealer who hand carried it into the country.[3] The dealer then passed the painting to an as-yet-unnamed New Mexico art dealer, who kept it in his private collection before selling it in 2015. The painting might have remained undetected had it not ended up in the Catholic cathedral, at which point the stolen *Virgin* reemerged in the public sphere in dramatic fashion—as the highlight of a Southern California museum exhibition.

> "The painting might have remained undetected had it not ended up in the Catholic cathedral."

Although it was not mentioned by the FBI or in the FBI's announcement of the painting's repatriation, IFAR's research shows that the *Virgin of Guadalupe* was acquired by the Roman Catholic Diocese of Orange, in Southern California[4] in 2015, no doubt unaware of its tainted history. As reported in the Diocese's own publication, the *Orange County Catholic,* around that time, the important painting showing the Virgin surrounded by scenes of her miraculous apparitions was to adorn the magnificent Christ Cathedral in Garden Grove, California, which was then undergoing a multi-million dollar renovation.[5]

Built for 1980s televangelist Robert Schuller's global ministry, the sprawling glass and steel cathedral complex with buildings designed by Richard Neutra and Philip Johnson, and formerly called Crystal Cathedral, became famous as the broadcast home of the "Hour of Power" television program. In 2011, the 34-acre campus was purchased by the Diocese of Orange, which undertook a $130 million renovation to convert it from a Protestant evangelical megachurch into a Roman Catholic cathedral. In a ceremony held on December 1, 2015, Bishop Kevin Vann blessed the recently acquired painting of the *Virgin of Guadalupe,* which was to occupy a place of honor when the cathedral officially opened in 2019[6] **(FIG. 5).**

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[3] See "The FBI's Art Crime Team Returns 16 Cultural Items to Peruvian Officials at a Ceremony Held Today at the FBI's Los Angeles Field Office," FBI Press Release, April 22, 2022.

[4] The Roman Catholic Diocese of Orange encompasses all of Orange County, California, which includes the cities of Santa Ana, Anaheim, Irvine, Garden Grove, and Orange.

[5] Meg Waters, "A Woman Clothed with the Sun: The Bowers Museum Presents 'The Virgin of Guadalupe: Images in Colonial Mexico'," *Orange County Catholic,* October 6, 2016. There is an apparent discrepancy in the painting's date of sale. The FBI press release stated that the New Mexico dealer sold the painting in 2016, however, the article in the *Orange County Catholic* states that the church acquired it in 2015.

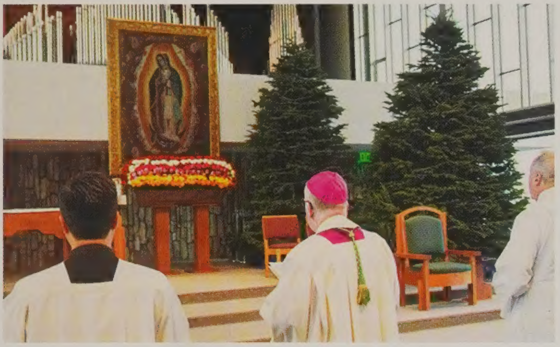

FIGURE 5. ***The Virgin of Guadalupe*** shown hanging in the Christ Cathedral Arboretum, Garden Grove, California. Photo: *Orange County Catholic,* Oct. 6, 2016.

OUR LADY OF GUADALUPE: PATRON OF THE NEW WORLD

As she is the patroness of both the Americas and the Diocese of Orange, the painting depicting the Virgin of Guadalupe was a logical choice to adorn the new Christ Cathedral, which serves a large Hispanic population. According to the traditional narrative, in 1531 the Virgin appeared to an indigenous Mexican peasant named Juan Diego on the Hill of Tepeyac in Mexico City, informing him that she wished to have a shrine dedicated to her on that spot. After the bishop demanded proof of the apparition, the Virgin ordered Diego to gather roses in his cloak and bring it to the bishop. When the cloak, or *tilma,* was opened, the flowers had been transformed into an image of the Virgin of Guadalupe. The *tilma* with the miraculous sixteenth-century painting is housed in the Basilica of Guadalupe in Mexico City, and depicts the Virgin as an indigenous woman "clothed in the sun," wearing a crown and a mantle of stars, and with the crescent moon under her feet—the traditional guise of the Immaculate Conception.

Images of the Virgin of Guadalupe surrounded by scenes of her apparitions first appeared in the middle of the seventeenth century, and the painting from Ollantaytambo is believed to be one of the earliest and largest examples of this type. Widely attributed to the prominent late seventeenth-century Mexican painter Nicolás Rodríguez Juárez (1617-1661), the painting depicts the Virgin surrounded by a floral garland with narrative scenes of her appearances to Juan Diego in the four corners. Above the Virgin's head is a view of the Basilica of Guadalupe with a corresponding scene of the Pietà at her feet, while two small medallions on her left and right represent the Immaculate Conception and the Virgin of Guadalupe of Cáceres in Spain.

THE BOWERS MUSEUM EXHIBIT

The painting apparently caught the attention of the curators of the Bowers Museum in nearby Santa Ana, California, who featured it in their 2016 exhibition "Virgin of Guadalupe: Images in Colonial Mexico," which brought together 60 artworks made by artists from New Spain in honor of the Virgin of Guadalupe **(FIG. 6)**. Intended to attract members of Southern California's large Latino population to the Bowers Museum, the exhibition prominently featured Christ Cathedral's exceptional *Virgin of Guadalupe* as the only artwork borrowed from an Orange County collection. The local Catholic and Orange County press also highlighted the painting's presence in the community, publishing photos of the Bishop posing with the painting at the opening of the exhibition.

The 2016 Bowers exhibition presented the first opportunity for the wider public to learn of the painting's presence in California—its status as a stolen work not yet known—and set in motion a series of events leading to its return to Peru in 2022. Various accounts in the press indicate that an eagle-eyed visitor to the Bowers exhibition spotted the *Virgin of Guadalupe* on display and suspected that it might be the painting stolen from Ollantaytambo in 2002.[7]

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[6] Ibid.

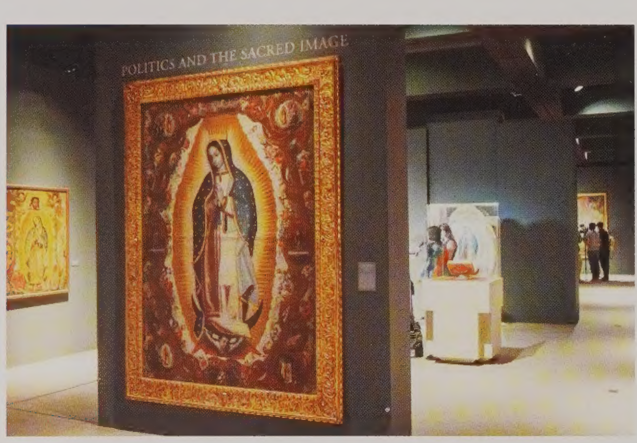


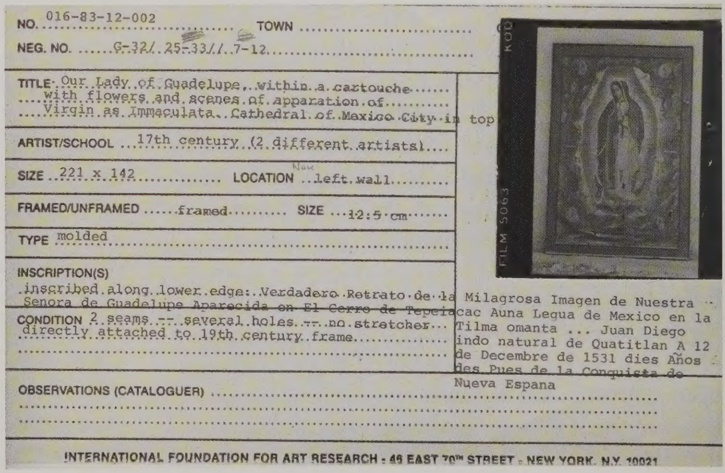
FIGURE 6. Installation photograph showing the *Virgin of Guadalupe* in the Bowers Museum exhibition in 2016. Photo: Nick Agro, *Orange County Register.*

> "How do we know that Christ Cathedral's painting ... was the one stolen from the Church of Santiago Apóstol? Simple; IFAR has a photograph of it when it was hanging in the Peruvian church in 1983."

IFAR'S CUZCO INVENTORY

How do we know that Christ Cathedral's painting of the *Virgin* was the one stolen from the Church of Santiago Apóstol? Simple; IFAR has a photograph of the painting when it was hanging in the Peruvian church in 1983 **(FIG. 7)**. As has been discussed in previous issues of the *IFAR Journal,*[8] in the early 1980s, IFAR was asked by the government of Peru to help address the growing threat to its Spanish Colonial heritage posed by theft and illicit trafficking. In response, IFAR organized an ambitious project to photograph and document the art and objects housed in vulnerable churches and monasteries around Cuzco, the former capital of the Inca Empire. In separate trips undertaken in 1983 and 1984, IFAR's team, together with Peruvian researchers from the Committee for the Defense of Artistic Patrimony of Cuzco and the Archdiocese of Cuzco, documented approximately 2,500 artworks and liturgical treasures housed in the Archbishop's museum and in 34 churches in and around Cuzco. Photographs of the works in situ and descriptive information regarding dimensions, inscriptions, and condition were recorded on individual index cards. IFAR made four copies of the Inventory cards: one set was retained by IFAR, while the other three were delivered to the Archbishopric of Cuzco, which was supposed to disseminate copies to the Peruvian National Institute of Culture (INC) and to the priests in the inventoried churches.[9]

Since the time of the Inventory, hundreds of paintings and religious objects have been stolen from Cuzco's churches. Many of these works were smuggled into Bolivia before travelling to their ultimate destinations, primarily in the United States, where the high demand for colonial devotional art coupled with the proscription on the sale of Viceregal art outside of Peru has fueled an illegal market. The churches and monasteries in the isolated villages of the Sacred Valley of the Inca, north of Cuzco, are particularly attractive targets for thieves. Statistics


NO. 016-83-12-002 TOWN

NEG. NO. G-32/. 25-33//. 7-12

TITLE Our Lady of Guadelupe, within a cartouche with flowers and scenes of apparation of Virgin as Immaculata. Cathedral of Mexico City in top

ARTIST/SCHOOL 17th century (2 different artists)

SIZE 221 x 142 LOCATION Now left wall

FRAMED/UNFRAMED framed SIZE 12.5 cm

TYPE molded

INSCRIPTION(S)
inscribed along lower edge: Verdadero Retrato de la Milagrosa Imagen de Nuestra Senora de Guadelupe Aparecida en El Cerro de Tepeiacac Auna Legua de Mexico en la Tilma omanta ... Juan Diego indo natural de Quatitlan A 12 de Decembre de 1531 dies Años des Pues de la Conquista de Nueva Espana

CONDITION 2 seams -- several holes -- no stretcher directly attached to 19th century frame

OBSERVATIONS (CATALOGUER)

INTERNATIONAL FOUNDATION FOR ART RESEARCH · 46 EAST 70TH STREET · NEW YORK, N.Y. 10021

FIGURE 7. IFAR Inventory card for the *Virgin of Guadalupe,* Santiago Apóstol, Ollantaytambo, showing the painting in 1983.

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[7] David Hidalgo, "El robo de la Virgen de Guadalupe: la pintura de Cuzco que reapareció en California," *Memoria Robada II,* 2018. https://memoriarobada.ojo-publico.com. See also Karen Emslie, "The High-stakes Race to Stop the Trafficking of Priceless Artifacts," *Wired UK,* May 17, 2018, www.wired.co.uk.

[8] See Frederic J. Truslow, "The IFAR Inventory of Cuzco Churches and its Lessons," *IFAR Journal,* Vol. 14, nos. 1&2, 2013, pp. 28-40; "Putting the IFAR Inventory to Work," *IFAR Journal,* Vol. 4, no. 4/Vol. 5, no. 1, 2001/02, pp. 48-55; and *IFAR 50th Anniversary Issue,* Vol. 20, nos. 3&4, 2020/21, pp. 34-36.

published by the Archbishopric of Cuzco in 2013 suggested that nearly a quarter of the artworks inventoried by IFAR from these churches were missing.[10] The outwardly unassuming but artistically resplendent Church of Santiago Apóstol in the rural town of Ollantaytambo has proven especially vulnerable, having twice fallen victim to thieves.

The first theft occurred in 1999, when unknown individuals stole fourteen paintings from the church **(FIG. 8).** Half of the stolen works were recovered the following year during a raid on an apartment in La Paz, Bolivia that had been rented jointly by the Peruvian cultural attaché Pedro Díaz Vargas, and the French historian and expert on Latin American art Dominique Scobry Leacey.[11] The apartment was found to harbor a trove of over 250 illegally trafficked Spanish Colonial artworks and cultural objects from Bolivia and Peru, including seven of the paintings reported stolen from Ollantaytambo. Armed with copies of IFAR's Cuzco Inventory cards and photographs taken in December 1983, Peruvian authorities and representatives from Ollantaytambo were able to positively identify the paintings as the stolen works. Despite the irrefutable evidence that all seven of the recovered paintings were stolen, however, the Bolivian government only returned four paintings to Peru, while the other three paintings remain in Bolivia. Misfortune struck Santiago Apóstol again in 2002, when thieves stole an additional seven paintings from the church, and of these, only the *Virgin of Guadalupe* has been recovered.

IDENTIFICATION AND REPATRIATION OF THE *VIRGIN OF GUADALUPE*

Establishing the identity of stolen Spanish Colonial artworks can be challenging, as Viceregal painters relied on a standard pictorial language in depicting popular devotional subjects. For example, although the Ollantaytambo *Virgin of Guadalupe* with scenes of her apparitions is a rare representation of the subject, it is not unique, and similar versions can be found in the Los Angeles County Museum of Art, the Prado and the Metropolitan Museum, among other places. For this reason, IFAR's Cuzco Inventory is invaluable, as it enables authorities to compare the suspected stolen work with our archival photograph of the artwork in situ **(FIG. 9),** along with descriptive details concerning its condition, dimensions and inscriptions.

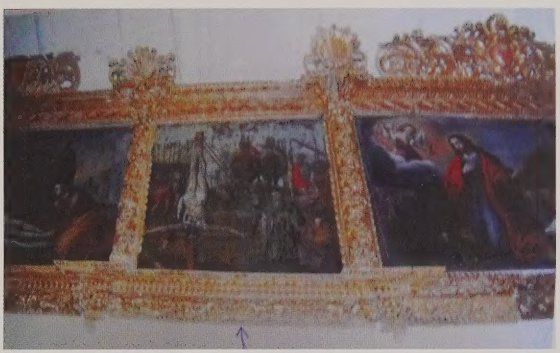

FIGURE 8. Three of the paintings stolen from Santiago Apóstol, Ollantaytambo in 1999, as photographed in situ in 1998. The central painting of ***The Martyrdom of Sts. Peter and Paul*** was recovered in Bolivia and repatriated to Peru in 2002. The other paintings of the ***Lamentation*** (left) and ***Christ on the Mount of Olives*** (right) remain missing. Photo: courtesy F. Truslow.

> "… in 2002 … thieves stole an additional seven paintings from the church, and of these, only the *Virgin of Guadalupe* has been recovered."

In this case, IFAR shared information about the stolen *Virgin of Guadalupe* with the FBI Art Crime Team, including a copy of our Cuzco Inventory card, showing and describing the painting in the Peruvian Church in 1983. From the images, it is clear that certain features of the California painting are consistent with the stolen painting. For example, IFAR's black and white photograph shows the painting in poor condition, sagging in its plain wooden frame and with several large holes near the bottom of the canvas. The Inventory card further indicates that it was executed on two pieces of canvas joined

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[9] This did not happen, however. Disagreements arose between the Church and the Peruvian National Institute of Culture, and the Archbishop of Cuzco did not distribute the inventory to the other stakeholders.

[10] Truslow, op. cit. 2013, p. 31. The Archbishop's Website previously included a searchable database of stolen religious art from the Archbishopric of Cuzco, but it was discontinued in 2015.

[11] A court in Lima dismissed the case against Pedro Díaz Vargas for lack of evidence. In 2009 a judge in La Paz sentenced him to nine years in prison, but this decision was vacated by the Bolivian Constitutional Court in 2013, and Vargas' diplomatic position was reinstated. The Bolivian court also sentenced Dominique Scobry Leacey to prison, but he fled the country. See Fabiola Torres López, "Diplomáticos y coleccionistas bajo sospecha en el tráfico de arte latinoamericano," *Memoria Robada*, October 17, 2016, https://memoriarobada.ojo-publico.com.

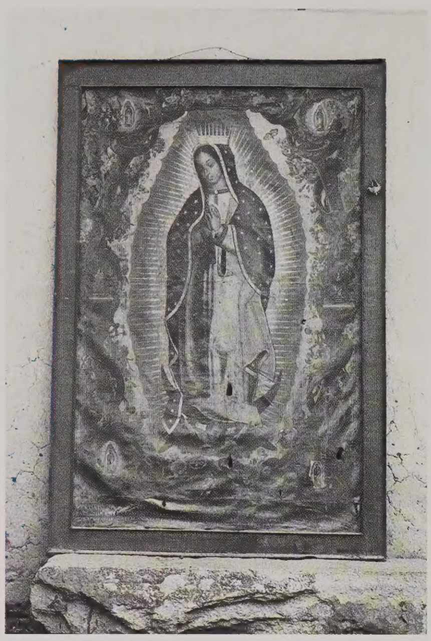

FIGURE 9. Photograph of the *Virgin of Guadalupe,* against the wall of the church of Santiago Apóstol, Ollantaytambo in 1983. Photo: IFAR.

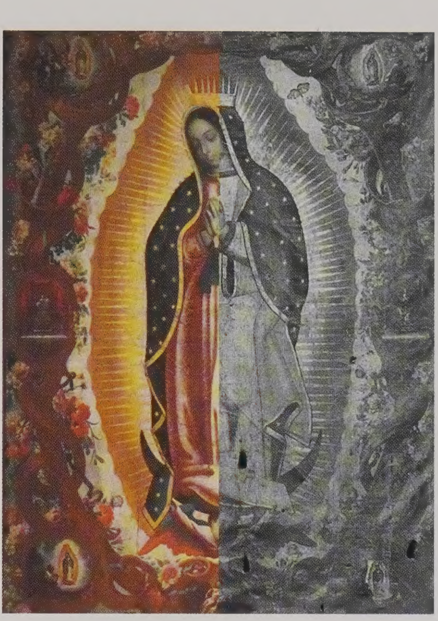

FIGURE 10. Comparison image showing, on the left, the recovered (and restored) *Virgin of Guadalupe* juxtaposed with the *Virgin* in IFAR's records on the right.

by a horizontal seam at the center, and that it was unstretched and nailed directly onto its wooden frame. Although the painting in the United States had been reframed in an ornate gilt frame (as seen in **FIG. 2**) and extensively restored to hide its origins and poor condition, holes in the canvas, which are apparent in the 1983 photograph, presumably match areas of restoration on the recovered work **(FIG. 10).**

IFAR’s card also reveals the harsh treatment the painting endured in its travels to the United States. The dimensions recorded on the Inventory card indicate that the painting lost approximately one foot in height since its theft, and the archival photograph shows why: the painting originally bore an inscription along the bottom, starting at the lower left edge detailing the story of the Virgin’s miraculous appearance to Juan Diego **(FIG. 11).** The inscription, now missing and presumed irretrievably lost, read “True portrait of the miraculous image of Our Lady of Guadalupe, [who] appeared on Tepeyac Hill one league from Mexico on the tilma or mantle … of Juan Diego, Indian, native of Quatitlan on 12 December of 1531, ten years after the Conquest of New Spain.”[12] This lengthy and distinctive inscription was likely cropped after it was stolen in 2002, either as a result of damage sustained during or after the theft or to prevent it from being identified as the painting stolen from Santiago Apóstol.

In addition to having been cut down, photographs of the painting today show that it bares the tell-tale, grid-like pattern of a canvas that has been folded into quarters rather than rolled up, damage probably inflicted after the painting was stolen to facilitate its being carried into the United States or transferred to the New Mexican dealer.

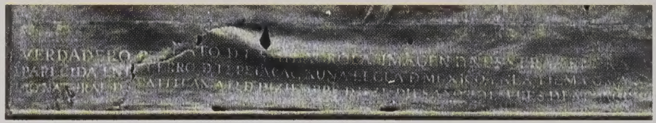

FIGURE 11. Missing inscription formerly on the bottom of the painting as taken from an IFAR 1983 photograph.

As a result of the FBI's investigation into the trafficking of the painting, the *Virgin of Guadalupe* was repatriated to Peru, and, hopefully, to the congregation of Ollantaytambo. It is also hoped that information obtained during the successful investigation into this theft will soon lead to the recovery of the six remaining lost paintings from Santiago Apóstol.

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[12] “Verdadero Retrato de la Milagrosa Imagen da Nuestra Senora de Guadelupe Aparecida en el Cerro de Tepeiacac a una Legua de Mexico en la Tilma o Manta … de Juan Diego Indio Natural de Quatitlan a 12 de Decembre de 1531 Dies Años des Pues de la Conquista de Nueva España.”

CEZANNE'S WILLFUL DRAWING

AN IFAR COLLECTORS' ROUNDTABLE TALK

BY RICHARD SHIFF

EDITOR'S NOTE:

The following talk, by noted scholar and professor Richard Shiff, an IFAR Art Advisory Council Member, was presented on September 13, 2021 to members of IFAR's Collectors' Roundtable, our special circle for Patron donors and above. The topic, "Cezanne's Willful Drawing," was timed to coincide with the impressive Cezanne drawings exhibition then on view at the Museum of Modern Art in New York. We have preserved the colloquial tone of the presentation, which was very closely linked to the projected images.

Professor Shiff is the Effie Marie Cain Regent's Chair in Art at the University of Texas at Austin, where he also directs the Center for the Study of Modernism. His areas of study are very broad, ranging from Cezanne, about whom he published a very influential book in 1984, *Cezanne and the End of Impressionism,* to Barnett Newman, for whom he co-authored the catalogue raisonné in 2004, to Ellsworth Kelly, about whom he published in 2013, *Ellsworth Kelly New York Drawings,* 1954-1962.

Before starting, I want to say how happy I am that IFAR exists because it is, I think, the only place in the world where someone can get unbiased serious information about problems of authenticity and related matters. The service that IFAR provides is really unique, and so I'm very proud to be associated with it and to work with it on occasion, on questions that collectors have.

This painting of *Two and a Half Apples* **(FIG. 1)** is here to give a little history about my own thinking about Cezanne. I'll move into discussing some drawings in a little bit, but I wanted to start with a few paintings. I noticed this one years ago in the Barnes Foundation. It's small, and it hangs very high on the wall, so I never had a truly good look at it. I wanted to see it better, so I looked for reproductions of it, probably first using the old Venturi catalogue. I noticed that in the Venturi catalogue, and in the Barnes catalogue itself, and now as well in the new catalogue raisonné, this work has the title *Two and a Half Apples*. It struck me as a little ridiculous to title any painting two and a half anything. After all, if we have a three-quarter view of a person, or a lost profile, we don't call it three-quarters of a human being or a disappearing person. And it occurred to me that I didn't know if it was the apple that had been cut to make a half, or if it was the painting that had been cut. There might have been three apples on the table, or even six or seven.

This beautiful little canvas was probably one of the works that was related to the remark that Ambroise Vollard, Cezanne's dealer, once made about some of the paintings being cut up. He didn't admit that he was the one doing it, but I suspect he was. Paintings were being cut up and sold to collectors because as they became smaller, they could be sold for a very affordable price. You could have a canvas made up of several studies or even an entire painting with a lot of apples, and cut it up into maybe four pieces, one of which could

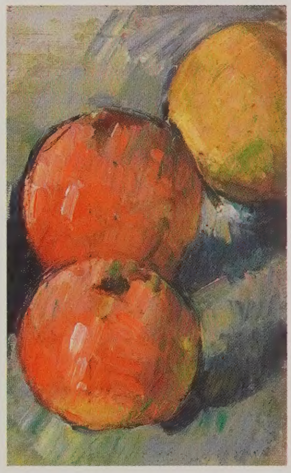


FIGURE 1. Paul Cezanne, *Two and a Half Apples (Deux pommes et demie),* 1878-79. Oil on canvas (mounted to panel and later to plywood panel), 6 ½ x 3 ¹⁵⁄₁₆ in. (16.5 x 10 cm). Barnes Foundation, Philadelphia.

> "A fragment of a Cezanne painting somehow looks as if it's already complete."

look like the *Two and a Half Apples,* and it could be sold to a collector who was just beginning to collect Cezanne. That collector would be useful to the dealer, because such a person would eventually make more money and make several more purchases. We are left with a sense of the fragmentary nature of a lot of Cezanne's works. Of course we know that a lot of the works are unfinished, not intentionally unfinished, but just remain in an incomplete state. A feature of Cezanne, which may be true of some other artists, but it's especially true of Cezanne, is that, as Renoir said, just the fact that this painter puts two marks together already makes the result a successful painting. A fragment of a Cezanne painting somehow looks as if it's already complete. This is why I've often stated that what we call composition is not a concept that can be applied to Cezanne very convincingly. His canvases, when seen in totality, are not really compositions in the traditional sense. They are combinations or agglomerations of details that are very powerful in themselves—details sometimes in harmony, sometimes in conflict.

I always took **Figure 2** to be a complete painting, because it doesn't appear to be cut in the way that *Two and a Half Apples* was cut. I'd be much more comfortable calling that first painting Three Apples and let it go with that.

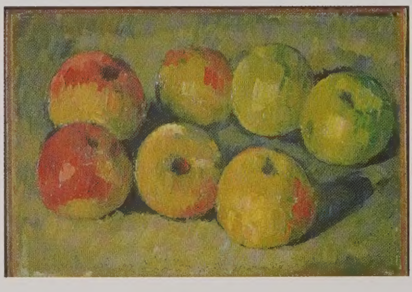


FIGURE 2. Paul Cezanne, *Still Life with Apples,* 1878. Oil on canvas. 7 ½ x 10 ½" (19 x 26.7 cm). Fitzwilliam Museum (University of Cambridge), Cambridge, UK.

A lot of Cezanne's works that we've taken to be whole are fragments of something larger. **Figure 3** apparently was cut from a canvas on which Cezanne developed more than one study. The MoMA drawings exhibition includes a digital reconstruction of how the uncut surface would have appeared. And so the seven apples are now upside down, and the shadow of the apple is what accounts for the mark at the right-hand edge of the other painting, which also has seven apples (a work on loan for many years to the Kunstmuseum Basel from a private collection). My reason for being interested in this right now is that Cezanne turned the canvas around to make a second study, and since there is, presumably, much more space there that would have been available, we don't know how many studies may have been on this piece of canvas or in which orientation they may have been. When I show you some drawings, you will see, as you may have already been aware, that the drawings are done in several different orientations, as Cezanne filled a single sheet of paper with several small studies.

Now, let's look at *Glass and Apples* by itself **(FIG. 4A)**, which I've always admired. I saw it for many years in its frame hanging in Basel and wondered why the brownish ochre color was on the right-hand side. When I first saw the painting, I took that to be a correction, a blotting out of an area of the "composition" (or, I should say, the painting) that Cezanne was unhappy with. But now when I see incongruous elements of this kind, areas that may have a different directional quality to the brushstroke, I begin to

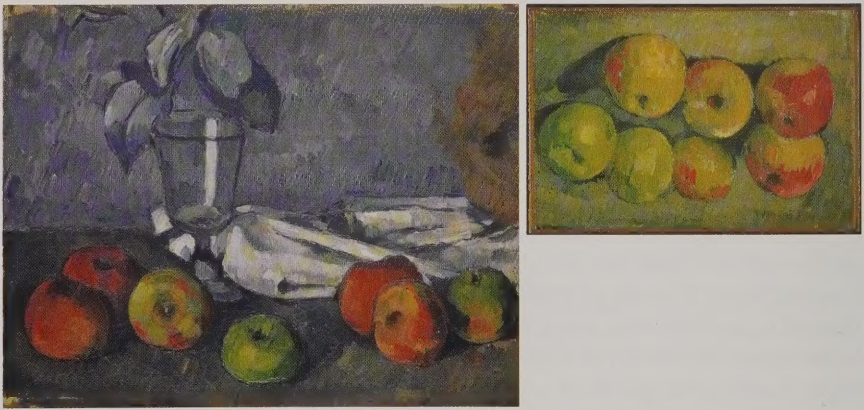
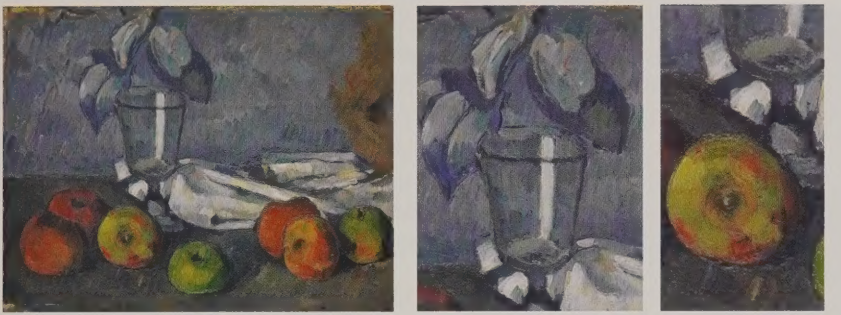


FIGURE 3. Left: Paul Cezanne, *Glass and Apples,* 1879-80. Oil on canvas, 12 ⅜ x 15 ¾" (31.5 x 40 cm). The Rudolf Staechelin Collection, Kunstmuseum, Basel. **Right: Paul Cezanne, *Still Life with Apples,*** 1878.



FIGURES 4A-C. A. Paul Cezanne, ***Glass and Apples,*** 1879-80. **B.** Detail of the glass. **C.** Detail of one of the apples.

wonder if it may be a residue of something adjacent that was cut away.

What has always been a striking feature of *Glass and Apples* is the degree to which the leaf pattern on the wallpaper in the room in which Cezanne was working looks as real as the objects on the table, as if there were a stalk of a plant inside the glass, the way people sometimes put greenery or a flower in a glass. The white highlight on the glass looks like it could be the stem of the plant. But we know almost certainly from observing other paintings in the series that those leaves belong to a wallpaper pattern. Over and over again, Cezanne plays little visual games of this sort in which things that are two-dimensional are confused with things that are three-dimensional and vice versa. So I think this little visual puzzle is something that he took delight in—it isn't an accident of his process.

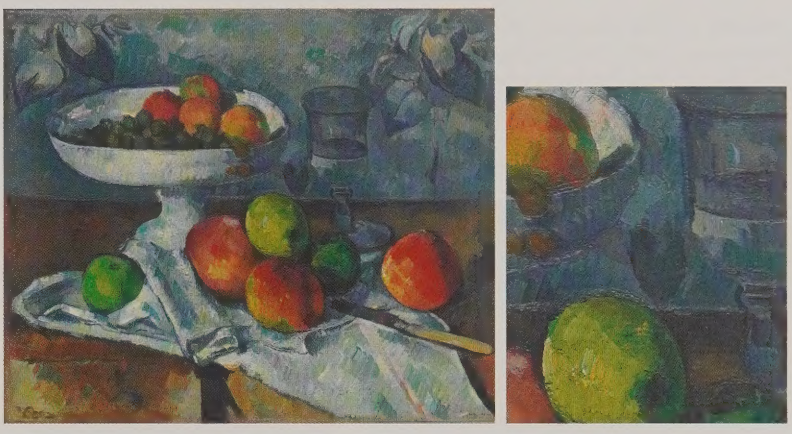


FIGURE 5. Paul Cezanne, ***Still Life with Fruit Dish,*** 1879-80. Oil on canvas, 18 ¼ x 21 ½" (46.4 x 54.6 cm). Museum of Modern Art, New York (69.1991), next to a detail. Digital Image© The Museum of Modern Art/Licensed by SCALA/Art Resource, NY.

> "Over and over again, Cezanne plays little visual games of this sort in which things that are two-dimensional are confused with things that are three-dimensional and vice versa."

Now, if we look at the pattern of the napkin and the stem of the glass at the bottom, we get this light, dark, light, dark pattern, and it corresponds to what's happening in the apple **(FIGS. 4B & C),** where we've got green and red over red, ochre, red, ochre—it's like a pinwheel effect. This appears quite frequently in Cezanne's art, where an alternation of colors appears that I doubt was visible on the actual apple. Cezanne develops this type of alternation of contrasting colors as an independent rhythmic motif, and it corresponds to what is occurring around the edge of the glass, as if we had two gears intermeshing: the napkin and the apple.

Something similar is happening in the MoMA still life **(FIG. 5),** which was once owned by Gauguin and was his favorite Cezanne, where the edge of the fruit dish corresponds to the contour of the glass and the apple below as well. And the pattern of blues that are part of the wallpaper that lie between become physically present as a part of this system of alternating, curving bands. So you have in each local area some intense combination of pictorial elements that interlock, seeming as if they had to be the way that they are.

I want to quickly look at this well known, very large painting at the Barnes Foundation **(FIG. 6).**

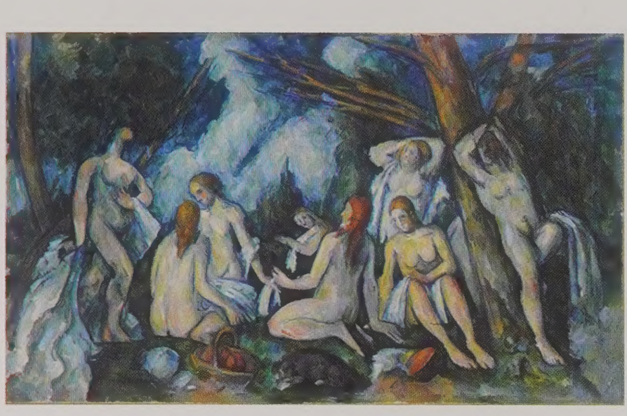


FIGURE 6. Paul Cezanne, *The Large Bathers (Les Grandes baigneuses),* 1895–1906. Oil on canvas, 52 ³⁄₁₆ x 86 ¼ in. (132.5 x 219 cm). The Barnes Foundation (BF934), Philadelphia.

It recently was extensively studied by their conservators, and it's clear that the mysterious figure on the left had been repainted many times by Cezanne and was left in a transitional state. This is why it appears not to have a proper head, and a neck that seems much too long. It's an elongated figure to begin with, and the top part of it was never resolved, never completed. Despite the density of the paint on this work, we have to regard it as unfinished.

But as Cezanne was working in this area, what he did was to develop these characteristic bands of color, striations, parallels that link disparate parts of the scene, disparate objects, so that—as the critics of the time often said—the people become like the objects and the objects become like the people. In **Figure 7** we have nearly parallel bands as well as radiating bands that extend from the figure to the background within this local area. It's like a motif—or motive, as in a musical composition—located within an encompassing motif.

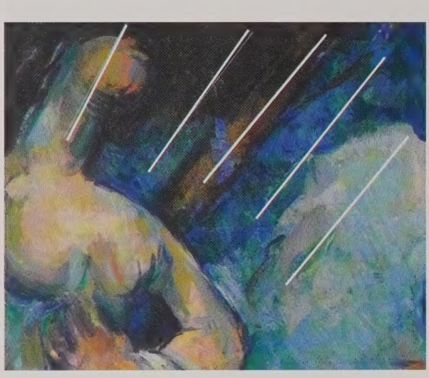


FIGURE 7. Detail of the far left figure in Figure 6 with lines overlaid.

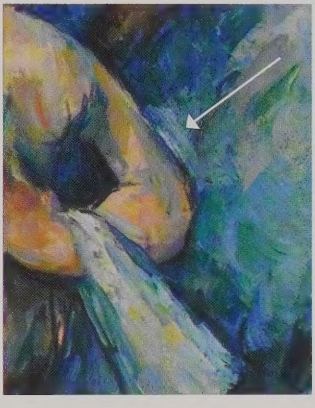
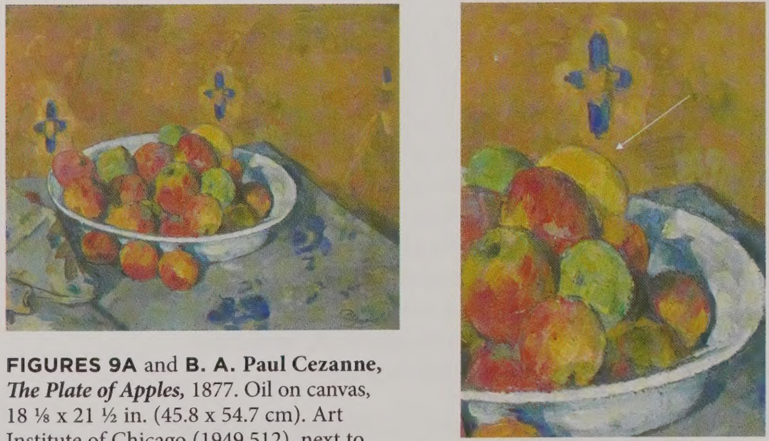


FIGURE 8. Detail of far left figure from Figure 6 with overlay showing the arm breaking the directional force of the bands.

And then another characteristic thing happens where the arm exists; it breaks the directional force of those bands **(FIG. 8).** The background itself responds to the foreground figure with an inconsistent kind of mark that doesn't really represent anything. It emphasizes the presence of the arm. So, as there are bands that go diagonally out, there are marks that go diagonally in the opposite direction, and perpendicular to those marks. The towel on the arm becomes such an area of contrapuntal organization.

Something similar happens in this still life **(FIGS. 9A & B).** You can see it where the wallpaper pattern is painted with marks of varying directions, but right around the apple, the mark becomes curved, echoes the apple, and also adjusts to the interior variation in the apple, so it's light where the apple is light, dark where the apple is dark. And we have a sequence of three apples that line up, the curves line up. Below them, three smaller apples where the curves line up. That's all very characteristic of Cezanne's sense of pictorial rhythm.



FIGURES 9A and **B. A. Paul Cezanne, *The Plate of Apples,*** 1877. Oil on canvas, 18 ⅛ x 21 ½ in. (45.8 x 54.7 cm). Art Institute of Chicago (1949.512), next to **B.** a detail.

These are the kinds of relationships that make Cezanne's drawings on occasion perform strangely. I've noticed, and there are many examples of this in the MoMA show, that there are certain configurations that seem to have been committed to memory so that in making studies (drawing studies), the combinations exist even though

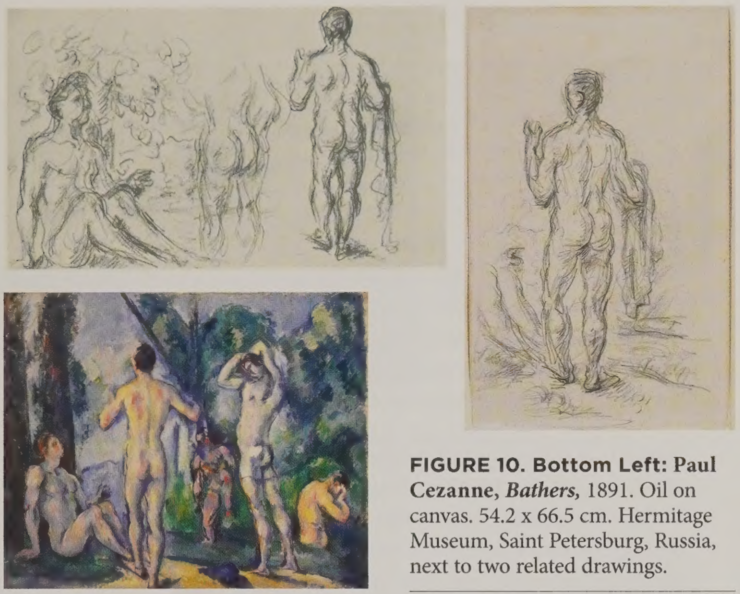
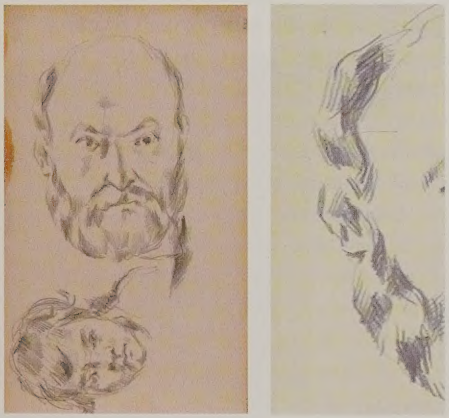


FIGURE 10. Bottom Left: Paul Cezanne, *Bathers,* 1891. Oil on canvas. 54.2 x 66.5 cm. Hermitage Museum, Saint Petersburg, Russia, next to two related drawings.

they result in a fragmentary image. In the completed painting or in versions of the same group as drawings **(FIG. 10),** the primary standing figure's legs interact with the legs of the seated figure on the left. We see the same configuration in several drawings, as if Cezanne did not, at least in this case, want to think of the drawing without thinking also of the legs of the other figure, or even the hand of the other figure. In this case, when a figure adjacent to another figure appears fragmented, it isn't the result of a cut, but of Cezanne's ending a particular study of the group at an arbitrary point. The reason that I say that no cut is involved is obvious—the lines of the incomplete figure do not continue off the edge of the sheet.



FIGURES 11A and **B. A. Paul Cezanne, *Self-portrait and Portrait of Son Paul,*** 1880. Pencil on wove paper, 12.4 x 21.7 cm. The Art Institute of Chicago and **B.** detail of the *Self-portrait.*

There are composite drawings that are analogous to the two still lifes I discussed, with a smaller one existing in a reverse orientation, upside down in relation to a larger one **(FIG. 11A).** Here, there's a large self-portrait, and below it is what I think must be a portrait of Cezanne's son. Its orientation is horizontal instead of vertical. The two are combined by some dark marks that seem to belong to both, but probably to the self-portrait.

On the other side of the head of the self-portrait, we sense a rhythmic flow of marks down the edge **(FIG. 11B).**

And then on the right side, the type of rhythmic marking I've mentioned: dark, light, dark, light, dark, light, dark, light. The pattern extends a little further into what could be the collar of a coat, but it's not really clear. It's also not clear whether the self-portrait came first, or the smaller drawing of Cezanne's son.

When I turn the same sheet on its side **(FIG. 12),** I feel that I've somehow got a border to both drawings, that the configuration has a top and a bottom. I can feel comfortable with that self-portrait lying on its side and the figure of the boy upright, and read it left to right. I can easily read the features of Cezanne's face as a group of parallel features—mouth, nose, eyes, brow, as verticals rather than horizontals.

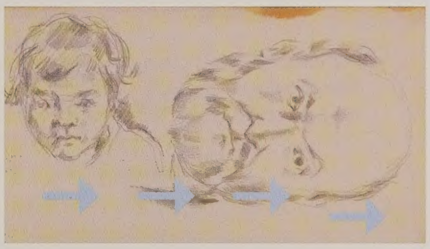


FIGURE 12. Paul Cezanne, *Self-portrait and Portrait of Son Paul,* 1880, rotated, with arrow overlay.

Around the shaping of both heads, I sense that somehow they're coordinated in terms of rotation **(FIG. 13).** This is something that I virtually always feel with Cezanne's composite drawings, that there is

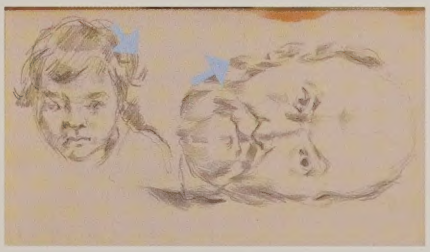


FIGURE 13. Paul Cezanne, *Self-portrait and Portrait of Son Paul,* 1880, rotated with a different arrow overlay.

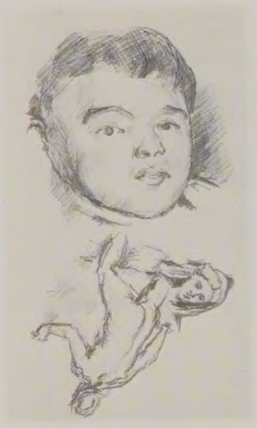


FIGURE 14. Paul Cezanne, ***Page of Studies: The Artist's Son; Head of Ceres (after Rubens); Female Bather,*** c. 1879, 1882-83, 1880. Pencil on wove paper, 8 ¹¹⁄₁₆ x 4 ¹⁵⁄₁₆" (22 x 12.5 cm). The Whitworth, The University of Manchester. Bequeathed by Karsten Schubert in 2020.

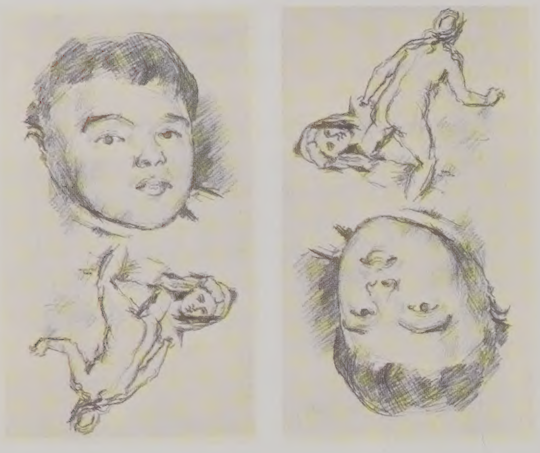


FIGURE 15. Paul Cezanne, ***Page of Studies: The Artist's Son; Head of Ceres (after Rubens); Female Bather,*** c. 1879, 1882-83, 1880, presented twice in opposing orientations.

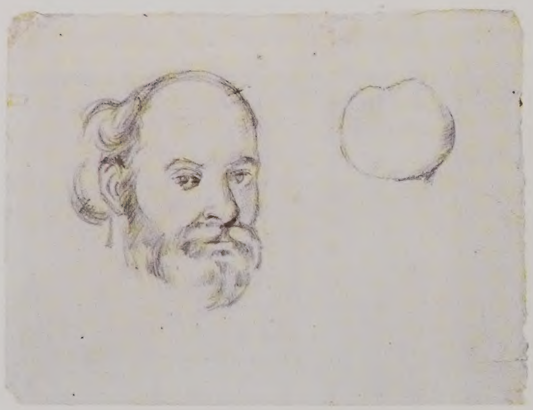


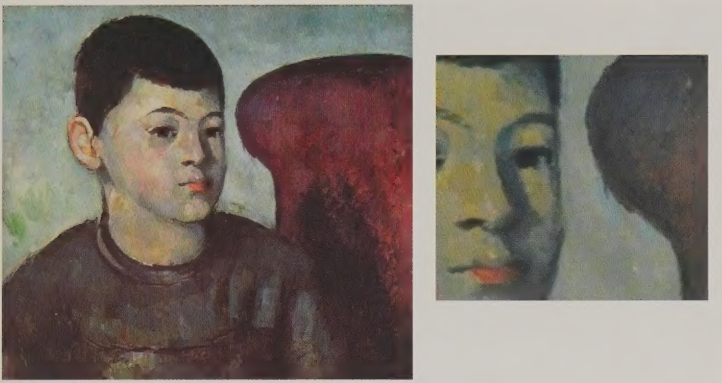
FIGURE 16. Paul Cezanne, ***Self-portrait and Apple.*** 1880-84. Pencil on paper, 6 ¹³⁄₁₆ x 9 ¹⁄₁₆" (17.3 x 23 cm). Cincinnati Art Museum. Gift of Miss Emily Poole.

an organization on the grid of the paper in terms of chiaroscuro (the patterning of dark and light). And there's a coordination in terms of the sense of volume, which produces what I often feel as rotation or torque, let's say, as one head wanting to turn one way, and another head wanting to turn an opposing way.

To this audience, I might say that if I were authenticating a Cezanne drawing, I would look for the kind of relationship in **Figure 14.** Here we have the boy, seeming to be the primary element because the form is larger, and a small sculptural figure, and a bather. The bottom two figures obviously interlock, and they do so in a way that makes me feel I can't pull them apart.

There is interlocking also between the top and the bottom **(FIG. 15).** And I produced this image because I feel that if I look in both orientations, it becomes that much more obvious to me how much tension there is between the top and the bottom, regardless of what's on top and what's at the bottom. If you look at the space between the neck of the boy or the collar of the boy, and the extended leg of the striding bather, and the side of the sculptural figure, if you look at that little space, you've got two forms that look like cylinders that are open at the end and a space between them. There's a spark passing between those elements or a kind of electronic connection which makes them immovable. I feel that if I were to grab hold of the back of the bather and pull, I would rotate the head of the boy. Likewise, if I were to push against the side of the boy's head, I would cause the bather to move accordingly.

Something similar is happening in the *Self-portrait and Apple* **(FIG. 16),** and writers have already remarked on this. The brow or Cezanne's balding pate corresponds to the form of the apple, and the spacing between the two seems somehow just about right to keep them in tension. This drawing has a crease in it because an early collector had once folded the apple out of it in order to have a nice presentation of a self-portrait drawing without the interference of the apple. I would argue that this simplification of the appearance of the drawing sheet was a mistake in relation to the reality of Cezanne's manner of drawing. Whatever is on the sheet should be shown. Cezanne integrated his elements, no matter how disparate they may seem. There is another element in this drawing, another formal analogy that passes us by, I think. At first you don't notice it. It's what I assume must be the back of a somewhat decorative chair behind Cezanne's head, which echoes the curl of his hair, the form of his ear, and the back of his neck. It can easily be confused with his neck and hair, but is something else. I think he must have taken an interest in the analogy of the form, just as he took an interest in the analogy of the form of his head with the form of the apple.



FIGURES 17A and **B. A. Paul Cezanne, *The Artist's Son.*** 1881-82. Oil on canvas, 13 ¼"x 14 ¾" (34 x 37.5 cm). Musée de l'Orangerie, Paris, next to **B.** detail.

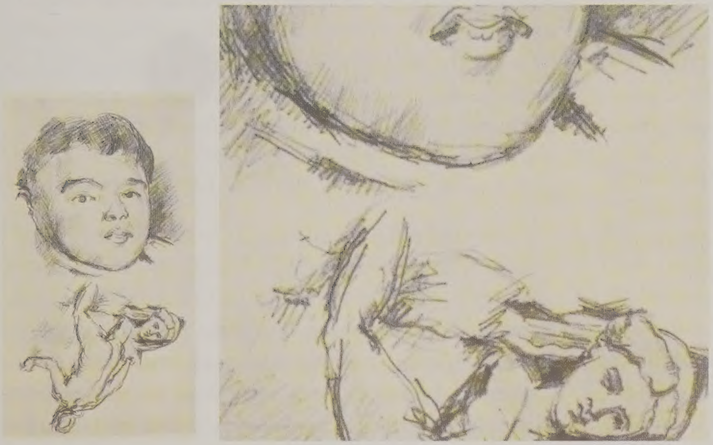


FIGURE 18. Paul Cezanne, *Page of Studies: The Artist's Son; Head of Ceres (after Rubens); Female Bather.* c. 1879, 1882-83, 1880. Pencil on wove paper. (Same as Figs. 14 & 15.)

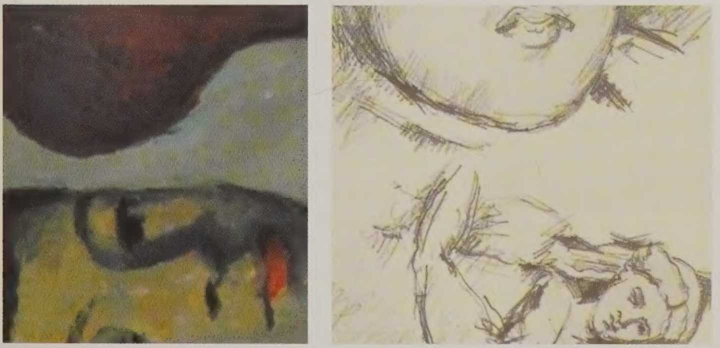


FIGURE 19. Left: Rotated detail from ***The Artist's Son,*** 1881-82. (Fig. 17B). **Right:** Detail from Page of Studies.

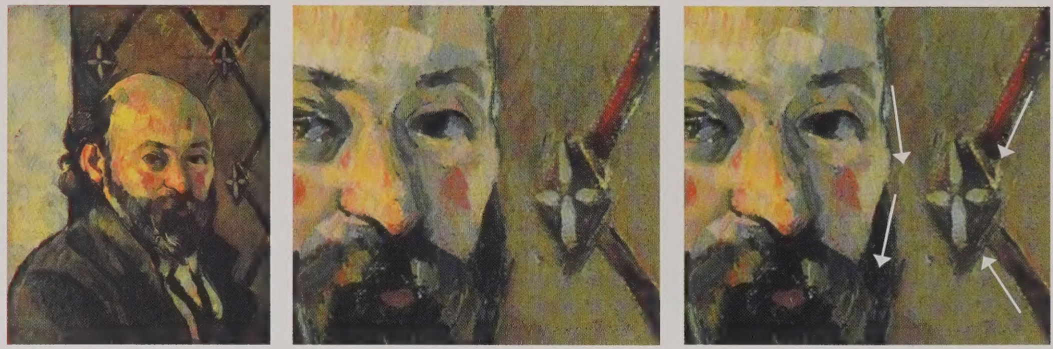
In this little portrait of his son, **FIG. 17A,** which is in the Orangerie, the boy is probably seated on the arm of the chair or leaning forward on the seat of the chair, which was in Cezanne's home or studio. You see the same chair in a number of his other paintings. One of the remarkable aspects of this work, at least for me, is how precise the link between the head and the chair becomes, just as in the other examples of analogies of form that I've shown.

I'm not sure that the image **(FIG. 17B)** indicates this clearly enough, but there are individual strokes in the background between the chair and the face. The strokes are sequential and form a continuity between the living boy and the chair.

That for me is analogous to what's happening in **Figure 18,** as seen in the detail on the right of the area where the two elements on the sheet are conjoined: one a composite element in itself and the other not.

There's where they join, and here is the analogous situation in the painting. It helps to see the connection when you turn the painting sideways **(FIG. 19).** And then you see Cezanne's same sensitivity to linkages across space—on a surface, a drawing surface or a painting surface, it doesn't matter. In experience, as Cezanne works across a surface through the touch of the hand, it's all connected physically by his bodily movement. And so, whether an area of a canvas or a sheet of paper is articulated or blank, it's all the same, it's all fair game for this kind of representational articulation.

The same thing is happening in this self-portrait **(FIG. 20),** where the side of the head relates to the pattern of the wallpaper, which is manipulated in order to eliminate the parts that might have interfered with the connection.



FIGURES 20A-C. **A. Paul Cezanne, *Self Portrait,*** c. 1880-81. Oil on canvas. 34.7 x 27 cm. The National Gallery, London; **B.** detail; and **C.** detail with arrow overlay.

In the detail **(FIG. 20B)**, we've got a pattern of marks that extend from the nose all the way to the lozenge in the wallpaper, as if there was no spatial distinction between one thing and the other. I'm not trying to say that Cezanne is inventing flatness or something like that. It's a different kind of vision of spatiality and picturing. It's a different understanding of the projection of a scene as a representation.

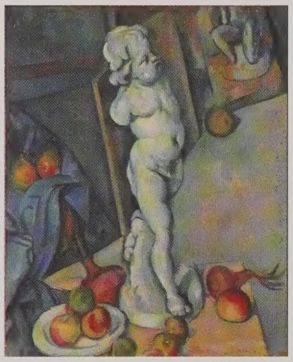


FIGURE 21. Paul Cezanne, *Still Life with Plaster Cupid,* 1894. Oil on paper on board, 70.6 x 57.3 cm. The Courtauld, London.

And here's an image **(FIG. 20C)** with the arrows added just to point out that Cezanne is developing an analogy between the angles as well as connecting the forms.

Getting back to visual games, this painting, *Still Life with Plaster Cupid* **(FIG. 21)**, of course has been discussed by me, and by 100 other people, because it's so fascinating. As we've all pointed out, the onion connects to a painted still life in the background, so that the stem of the onion or the leaves of the shoot of the onion from the bulb can become confused with the table leg in a still life leaning against the studio wall (it's a known still life). Similarly, the sculpture itself, being flanked by a canvas leaning against the other canvas in the background, appears to make the sculpture into a painting, projecting it onto the depicted canvas. But it already is a painting, of course, because Cezanne is painting it. To drive the point home, in the background there's an actual painting of a sculpture, the écorché.

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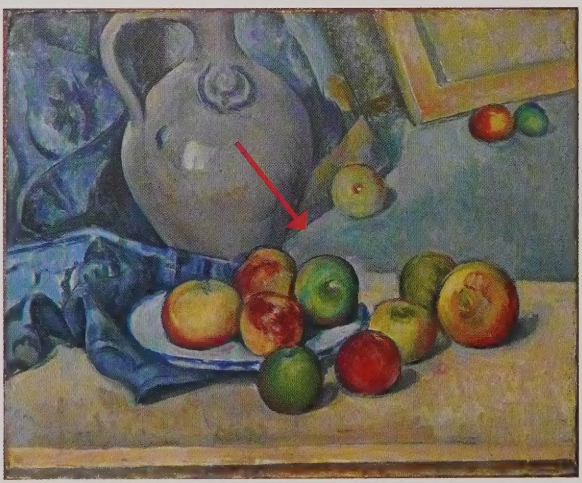
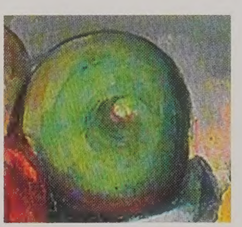
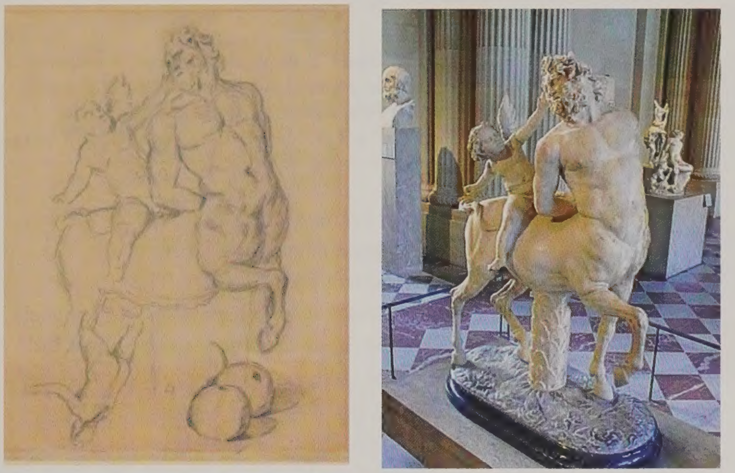
Cezanne is playing a bit of a game here and he plays the same game in another painting **(FIGS. 22A & B)**, which was probably made right at or around the same time, with the same apples, the same table, the same painting in the background, but the Cupid is now replaced by a stoneware jug. The jug occupies an ambiguous spatial position; you don't really know whether it's on the table, which seems very unlikely, or on the floor, which also seems unlikely, or is part of the painting, which again seems unlikely. Or it could be part of the painting in the back. The embossment on the jug relates clearly to some of the apples, shown with the core as an indentation so that it becomes a circle with a point of rotation.





FIGURES 22A and **B.** **A. Paul Cezanne, *Stoneware Pitcher,*** 1893-1894. Oil on canvas, 38 x 46 cm. Fondation Beyeler, Switzerland, shown with an arrow overlay and **B.** detail, showing green apple.

Here is another case where the apple is echoed by a part of the background which follows its contour, and by following its contour, the background color breaks the plane of the table in an inconsistent way. You find this effect over and over in Cezanne's paintings,



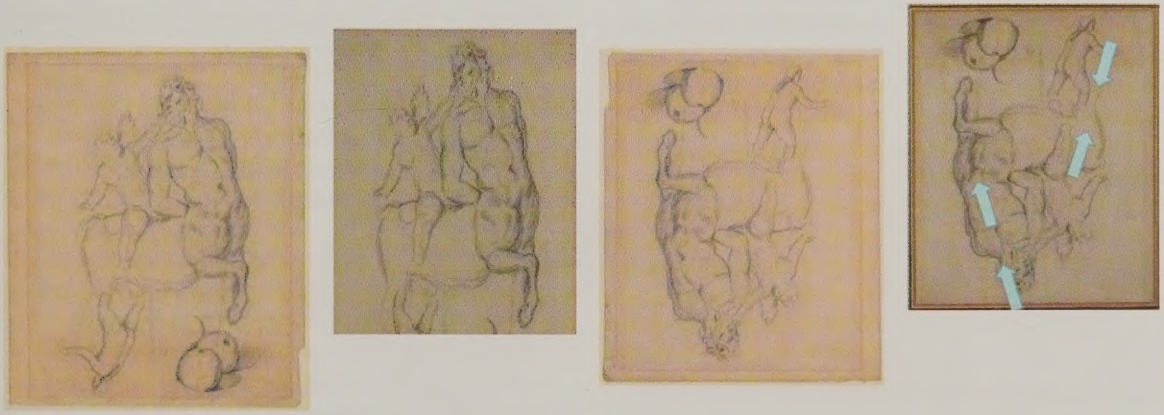
FIGURES 23A and **B. A.** **Paul Cezanne,** ***Page of Studies, Including a Centaur after the Antique (Feuille d'études dont un centaure d'après l'antique),*** 1879-1882. Pencil on laid paper, 14 15/16 x 12 5/16" (37.9 x 31.3 cm). Albertina, Vienna. **B.** Roman copy of Greek statue by a sculptor of Aphrodisias, ***Centaur and Cupid,*** 1st-2nd c. A.D. Marble, Musée du Louvre, Paris.

where forms combine inconsistently through the process of painting.

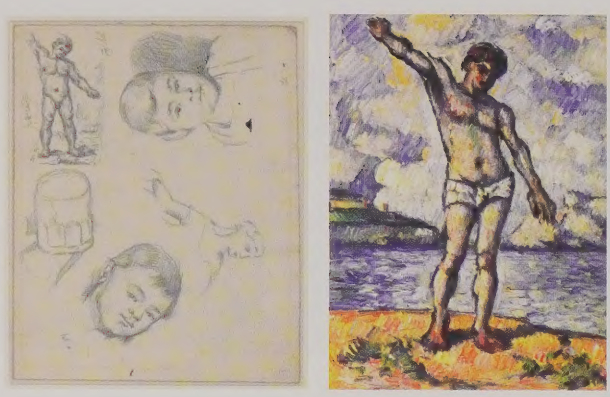
The primary motif of this composite drawing **(FIG. 23A)** is a sculpture in the Louvre, showing a Cupid on the back of a Centaur **(FIG. 23B).** Cezanne drew it a number of times. But down on the bottom are two independent drawings, the striding bather again and apples with their shadows. Maybe now we've got two and ¼ apples here. The striding bather, I think, is a bit of a joke, because it takes the place of the rear legs of the horse. I don't know if Cezanne ever would have thought of this, but to me the apples seem like the cannonballs that 19th century military statues often incorporate at the base of a soldier on a horse.

Now, here is the drawing again **(FIGS. 24A** & **B).** You can see that if we didn't have the complete bather, we might mistake the bottom part of the legs as being part of the primary drawing. And if we turn it upside down **(FIG. 24C)**—and why not, because the bather is a perfectly bona fide drawing in itself—then it becomes easier, I think, to see how completely integrated the form of the bather is, and how it becomes continuous with the extending leg of the Cupid and the arm of the Cupid, perhaps echoing the arm of the bather. Here is Cezanne, combining unrelated motifs on one and the same page, almost in a distracted manner, just picking up the piece of paper and putting another drawing on it. But at the same time that he does this, it's as if he cannot avoid generating these connections. The bather ends up right where the bather, you might say, has to be, in order to make the composition. That's a very peculiar thing that's happening.

The arrows **(FIG. 24D)** just emphasize the fact that it helps to consider the bather as part of the equestrian sculpture and the drawing of the sculpture. Then you get a sense of how the two diagonal axes counterbalance each other.



FIGURES 24A-D. A. **Paul Cezanne,** ***Page of Studies, Including a Centaur after the Antique,*** 1879-1882, and **B.** detail; **C.** upside down; and **D.** with arrow overlay.



FIGURES 25A and **B. A. Left:** Paul Cezanne, *Studies and Portraits of the Artist's Son,* 1877-78. Pencil on paper, 9 ¾ x 12 ⅛" (24.8 x 30.8 cm). Albertina, Vienna and **B. Right:** *Paul Cezanne, Man Standing, Arms Extended,* 1883. Oil on canvas, 13" x 9 ½" (33 x 24 cm). Coll. Jasper Johns.

This last drawing **(FIG. 25A)** is one of the more complicated ones. It's fantastic. One is tempted to orient it in a particular way because in the upper left corner is a complete sketch of an existing painting **(FIG. 25B)** and a figure that Cezanne painted and drew numerous times. The figure has been interpreted in many different ways, but I tend to think of it myself as simply a swimming lesson, because Cezanne was outdoors with his son, a boy at the time, and he often used his son as a model for a nude figure and for a bathing figure. Sometimes the boy has bathing trunks, and sometimes the boy is naked. Cezanne was a swimmer, and was fond of water. I imagine he probably taught his son how to swim, and this figure with upraised arm may have had to do with learning the stroke. This would be a simple domestic explanation of what's going on here with regard to the figure, but there are many possibilities. And then, on the same sheet, there are two other portraits of the boy, and also the sculpted decorative figure again, the female figure, and there's a tumbler. The tumbler casts a diagonal shadow, which parallels and repeats the axis of the boy. If we look now in the lower left corner, once again, we sense a tension like an electric spark passing between the two objects, a tension that exists in the channel that separates the two forms, because they so precisely line up. But then, if you look at the right-hand shoulder—from our view—of the female figure or her actual left-hand shoulder, it extends down and echoes the side of the boy's forehead. The diagonal formed by what I'll now call the windmill figure—I think of it as the windmill pose as well as a swimming-lesson pose—this diagonal formed by the arms is the complement to the diagonal formed by the tumbler and the boy below. Diagonals intersect throughout this drawing.

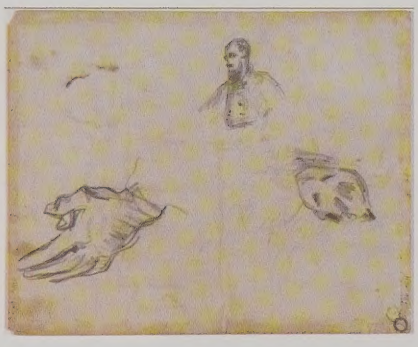
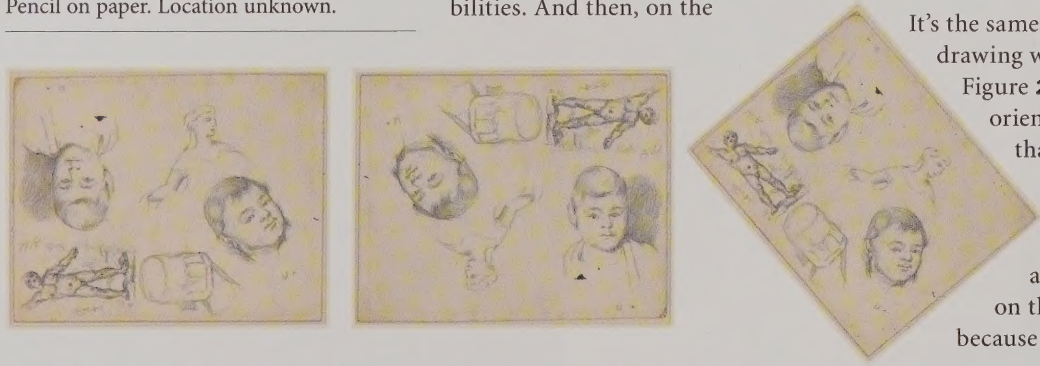


FIGURE 26. Paul Cezanne, *Three Studies.* Pencil on paper. Location unknown.

This painting **(FIG. 25B)** is owned by Jasper Johns and was previously owned by Edgar Degas. A similar drawing of the boy, also owned by Jasper Johns, was in the MoMA show.

I want to briefly compare it to this drawing **(FIG. 26),** which I'm fascinated by because, again, I'm struck by how perfectly coordinated those three sketches are in terms of a windmill effect, or they're like spokes of a wheel radiating out, with the lower left element—the hand—becoming dominant, stronger, as if that's where you would pull the lever to get the gears to go around.

It's the same tension that I feel in the drawing we looked at previously, Figure **25A,** now given a different orientation **(FIG. 27A).** I feel that the whole thing is rotating. There's still another orientation **(FIG. 27B).** And I can turn it another way **(FIG. 27C)**— on the bias – just for fun, because it works *this* way as well.



FIGURES 27A-C. Paul Cezanne, *Studies and Portraits of the Artist's Son,* 1877-78. Pencil on paper, 9 ¾ x 12 ⅛" (24.8 x 30.8 cm). Albertina, Vienna, shown in different orientations.

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Q & A

Q: It was eye opening to see that the orientation of Cezanne's drawings is not at all fixed. You make a good point. If there is a large head that is one way and an upstanding figure that is the other way, why not orient it in relation to the standing figure? One of the things you pointed out is how multi-oriented these drawings are, how fluid the spatial concept is, not only between the forms, but in relation to the picture space itself, especially since these are not signed. Cezanne very rarely signed these, and never wrote anything on the drawings that had an orientation, like a date or anything, so they exist not only outside of time, so to speak, but in a weird way they exist outside of space.

Richard Shiff (RS): Yes, they really do exist outside of space. Even when they are in sketchbooks, it's clear that Cezanne kept moving the sketchbook around, reorienting it and starting from the back, starting from the front, turning it sideways. Some of those drawings are from sketchbooks, and he gets into very odd ways of using the page. There are also some drawings that go across the verso of one page to the recto of the other.

Q: Are there drawings on the backs too that are equally as important as the drawings on the front?

RS: There are, yes.

Q: Was it an issue of space, of lack of paper, of using all the paper you have, and then drawing?

RS: I don't think he was ever really short of supplies, but who knows what he had with him at any given moment, or forgot to bring with him. Now, why he would ever re-use canvases? I don't know, because he was ordering them from suppliers. There is a late letter that surfaced recently where Cezanne is complaining that a shipment is delayed. He writes to the supplier, "why haven't you sent this stuff yet?" So, there may have been times when he was being economical with supplies. That would have been possible in the 1870s, early 1880s. But I think it's more an issue of not producing these things for show; not intending them to be on somebody's wall somewhere and playing around doing what he felt like doing.

Q: Am I correct in assuming that some of these sketches, even though components end up being related to each other, were done at very different times; that Cezanne just picked up a page that he had already sketched on and went back to it?

RS: Yes. That has certainly been the feeling about the sketchbooks, that at least some of them were, for example, begun in 1885 and then picked up again 10 years later, with drawings that are in a different style. There may be cases where he had a sheet of paper and he was looking through an issue of *Gazette des beaux-arts* or something and took a few motifs that he wanted to draw and put them on the same page, possibly in different orientations. But I think it's more likely that there are drawing sheets all over the place and he picks one up at some point and puts something else on it, and that could be five years later. There are drawings on larger sheets that tend to be drawings of sculptures in the Louvre. They are more systematic—one drawing on a sheet. But the drawings that are on pieces of paper, or in small sketchbooks, or look like they are on random fragments of paper; those tend to be more chaotic in the way the elements are brought together. Those are the drawings that I find much more interesting.

Q: We're talking about willful drawings and the formal correspondences that happened between Cezanne's head and the apples. It reminded me of a work that I saw in the MoMA show; namely, Cezanne's *Self Portrait* juxtaposed with a copy of Goya's *Self Portrait*. In terms of willfulness, that seemed very self-conscious as a reference. Is this kind of visual punning—it seems like a visual pun—a deliberate reference?

RS: Yes, I think it is. The example that you give is probable. You could simply take the *Self Portrait with the Apple* and say that it's a joke along the same lines as the statements that Cezanne is supposed to have made: "I'm going to surprise Paris with an apple," an ironic statement suggesting they're not going to like the way I paint apples; it's going to be a shock to Paris. It's also a reference to the mythology of Paris and the apple. So yes. He was very literate and he is capable of any kind of pun. So any time we can translate in a reasonable way the identity of the image into a concept, we can start relating concepts. That's fair game, I would say. In this talk I was concentrating on the thing that has always fascinated me, which I find compelling, the degree to which he was so loose with formal analogy to the point that he created absurdities in his representations, many of which were commented upon by early critics.

Q: CBS *Sunday Morning* aired a segment on the Cezanne drawing show at MoMA. One of the MoMA paper conservators who had worked on the show said that unlike other watercolorists, when Cezanne created a mixed media work, a drawing and watercolor, which of course was very common for him, he made it apparent that it was a drawing *and* a watercolor. The watercolor didn't subsume the drawing or erase it. The conservator thought that was a particularly interesting feature of Cezanne's drawings and the way they related to his watercolors. Do you agree?

RS: I would simply call those watercolors unfinished. There are some very finished watercolors with a drawing underneath, but you know you're looking at a watercolor. And then there are a lot of drawings that have the beginnings of watercolor in them, and they're just left, because Cezanne was doing so many of these things. A lot depended on his mood, on the weather, whether he was going to work indoors or work outdoors. The paintings are left unfinished also. So I don't know that I would create a special category of drawing with watercolor and attribute it to Cezanne as Cezanne's invention. I would call those unfinished watercolors. Or just drawings with color touches. It's all part of a process with him. I think there are more of those half-drawing half-watercolor works than there are full watercolors, which makes the full watercolor works very special for collectors.

Q: Is there anything else you would like to say that you felt you didn't have time to include?

RS: I would just say a bit more about the Goya and punning, which came up in an earlier question. There are some famous cases of content, like the pairing of Hortense Fiquet, Madame Cezanne, with the hortensia, the flower. Whenever there's a flower or a plant, it's worth asking, what is the name of that plant, which might have something to do, if it's a composite image, with something else in the image. Just think of Cezanne as endlessly punning, both verbally and visually. About 20 years ago, I tried to gather all of the accounts that were left behind by his young friends, a group of people who solicited his attention. Charles Camoin was the best known of them. They were all local artists and writers. Camoin was there because he was doing military service at a garrison in Aix-en-Provence. So, there were various people who met Cezanne because they were just in Aix temporarily. He got along with them (he tended to be nasty to people his own age, but he was amused by younger people, I would say). They reported that he was always teasing them; always making jokes, and that you could never tell when he was serious and when he wasn't. That probably goes for his paintings and his drawings as well.

Sharon Flescher: It is time to thank Richard Shiff again, and to end this fascinating and intimate talk, which has forced us to look much more closely at Cezanne's drawings.

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DID VERMEER USE A TELESCOPE WHILE PAINTING?

ANALYZING *TIM'S VERMEER*

DAVID G. STORK[*]

Scholars have long debated whether the great 17th-century Dutch painter Johannes Vermeer directly used optical aids, such as a simple camera obscura, while executing his subtle and exquisite paintings, particularly those depicting quiet moments in Dutch interiors. A recent contribution to this debate appeared in a 2013 feature-length documentary film, *Tim's Vermeer* **(FIG. 1)**, which followed electrical engineer and self-described non-artist Tim Jenison as he demonstrated a novel optical method of painting to create a faithful copy of Vermeer's *A Lady at a Virginal with a Gentleman*, also called *The Music Lesson* **(FIG. 2)**. Jenison believes that Vermeer may have used this method to attain the characteristic precision, perspective, style, and color accuracy for which his paintings are celebrated. Recent art research, however, including historical discoveries concerning 17th-century Dutch heraldry and tile commerce, sophisticated computer and optical analyses, and independent putative re-enactments, lead to a clear and confident evaluation of Jenison's bold claim as well as deepen our understanding of "The Sphinx of Delft."

EARLY ARGUMENTS CONCERNING VERMEER AND OPTICAL AIDS

In his short 43-year lifespan (1632–75), Vermeer executed fewer than 40 paintings, of which only about 35 survive,[1] yet these include some of the most exquisite, celebrated, and beautiful works in the entire Western canon, such as *Girl with a Pearl Earring*, *View of Delft*, and likely Vermeer's favorite work, *The Art of Painting*. The depictions of quiet moments in Dutch interiors, subtle expressions, and especially the sophisticated perspective and renderings of light and color effects have captivated scholars and the general public alike. These works look almost photographic, a point that has led a number of connoisseurs and scholars to ask: Did Vermeer use optics directly during the execution of his works, and if so, how?

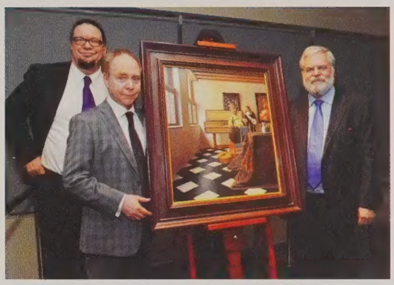

FIGURE 1. Tim Jenison's version of Vermeer's *Lady at a Virginal with a Gentleman*, flanked by Jenison (right) and Penn & Teller (left) – Penn Jillette, a producer, and Teller, director, of the 2013 film *Tim's Vermeer*. (Photo: Angela Weiss/ Getty Images)

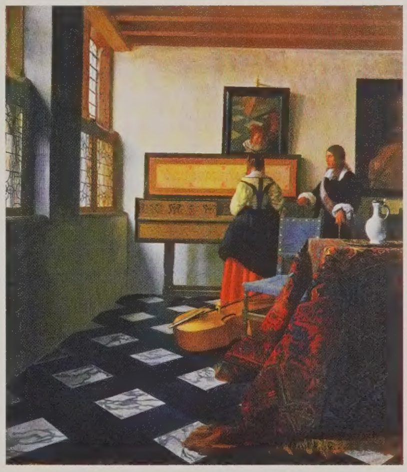

FIGURE 2. Johannes Vermeer, *A Lady at a Virginal with a Gentleman (The Music Lesson)*, 1662-63, oil on canvas, 74 x 64.5 cm. Royal Collection Trust, Her Majesty Queen Elizabeth II, London.

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[*] Dr. David G. Stork graduated from MIT and the University of Maryland in Physics and studied Art History at Wellesley College. He has published and lectured widely in 20 countries on computer-assisted methods for the analysis of fine art paintings and drawings, including at many leading museums in the U.S., Canada and throughout Europe. He taught the world's first courses on this subject at Stanford University in Computer Science and Art and Art History, and he recently completed the manuscript for the forthcoming *Pixels & Paintings: Foundations of Computer-assisted Connoisseurship* (Wiley).

[**] The author thanks Christopher W. Tyler, Sara J. Schechner, Jonathan Janson, Huib J. Zuidervaart, and Inger Groeneveld for help of various sorts, and John R. Wallace, Michael F. Cohen, and Donald P. Greenberg and the Laboratory for Computer Graphics at Cornell University for permission to reproduce their model in Figure 8.

[1] Vermeer specialists disagree on the number of extant Vermeer paintings. In his 2008 catalogue raisonné, Walter Liedtke, *Vermeer: The Complete Paintings* (London: Thames & Hudson, 2008) listed 36; Karl Schutz, *Vermeer: The Complete Works* (Cologne: Taschen, 2015) catalogues 35 paintings; and Renzo Villa, *Vermeer: The Complete Works* (Cinisello Balsamo: Silvana, 2012) lists 33.

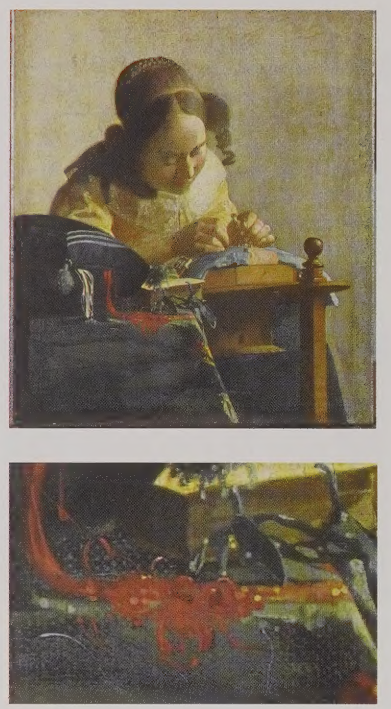

FIGURE 3. Vermeer, *The Lacemaker,* 1669, oil on canvas, 24.5 x 21 cm. Musée du Louvre, Paris; and detail showing pointellé effect, resembling highlights in an out-of-focus optical projection.

Some of the earliest speculations on this matter came from the connoisseur of Dutch art Lawrence Gowing and his followers.[2] Gowing pointed to the "blur spots" (also known as halations) present in several paintings, such as *The Lacemaker* **(FIG. 3),** which resemble the out-of-focus highlights in an image optically projected onto a screen, similar to highlights that appear in some photographs. We do not see such blur spots when we view the world directly because our eyes automatically focus or *accommodate*. Moreover, such blur spots do not appear in the vast majority of realist artworks. It seems at the very least plausible that such highlights in Vermeer's works have an optical origin.

Gowing's arguments were rather general and imprecise, but decades later Philip Steadman added precision and experimental evidence to support his claim that Vermeer built a small room-sized *camera obscura* in the rear of his studio in Delft where, Steadman argued, the artist would trace an image projected onto paper held against the rear wall.[3] (A camera obscura—Latin: "dark room"—is much like a photographic camera, but without the film.) As evidence, Steadman pointed to the sizes of six of Vermeer's canvases.

Before we can understand this evidence, we must note that the perspective in a rigorously realistic painting or optical projection depends upon the location of the artist's eye, or equivalently the location of the lens in a putative projector. The left column in **Figure 4** shows a computer graphics model of Vermeer's studio and the white rays converging at candidate eye or lens positions—a position called the *center of projection*. The right column shows the paintings that would result if executed from the indicated centers of projection. All the paintings are in perfect perspective, yet they display objects at different relative sizes—so-called *accelerated perspective* at the top and *orthographic perspective* at the bottom.

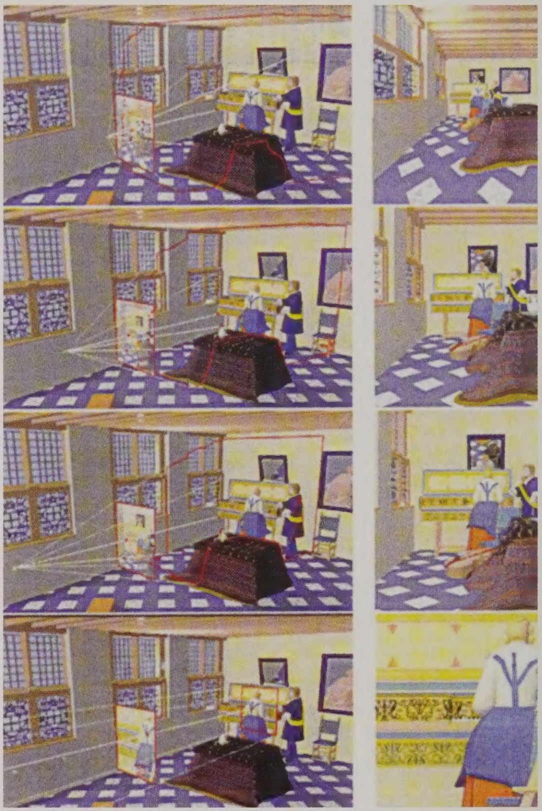

FIGURE 4. The left column shows a computer graphics rendering of a portion of *Lady at a Virginal with a Gentleman* with four candidate positions for the center of projection in a putative projector.

One can mathematically work backwards from the image: Given a painting in geometric perspective one can infer the location of its corresponding center of projection. Steadman performed such an analysis on six Vermeer paintings he believed were executed in Vermeer's studio to determine the six locations of the putative lenses.[4] He reasoned that for paintings where the lens would have been *close* to the rear wall of his studio, the usable projected image would be *small* and hence the canvas also *small*. Conversely for paintings where the lens would have been *far* from the rear wall, the projected image would be *large* and hence the canvas also *large*. Steadman argued that the correlation between the actual sizes of Vermeer's canvases and the sizes "predicted" based on the location of the purported lenses was too great to have arisen by chance, and concluded that Vermeer likely used optical devices.

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[2] Lawrence Gowing, *Vermeer* (London: Giles de la Mare Publishers, 1970); Charles Seymour, Jr., "Dark Chamber and Light-filled Room: Vermeer and the Camera Obscura," *The Art Bulletin* (1964) vol. 46 (3): pp. 323–331.

[3] Philip Steadman, *Vermeer's Camera: Uncovering the Truth behind the Masterpiece* (Oxford: Oxford University Press, 2002).

Several problems were immediately apparent in Steadman's claims. For instance, the putative tracings do not directly help Vermeer to render color, widely considered a hallmark of the master's style. Further, as will be discussed below, there was no documentation to support the room-sized camera obscura theory. Steadman's proposed method also provided no compelling explanation for the presence of pinholes at the central vanishing point in several of Vermeer's canvases, certainly used as part of a *geometric* (not optical) construction of perspective lines.[5] There were yet other, more technical, weaknesses in Steadman's optical hypothesis.

Recent scholarship has undercut Steadman's central evidence further. A study of historical real estate records, correspondence, and the heraldic imagery in the windows depicted in two of those six paintings—*The Glass of Wine* **(FIG. 5)** and *Young Woman with a Wineglass*—show that Vermeer almost certainly executed those works in the home of the Van Nederveen family, wealthy gunpowder merchants in Delft.[6] Likewise, the identical tile floors in *The Glass of Wine* and *Young Woman with a Wineglass* differ from the floor in *A Lady at a Virginal with a Gentleman (The Music Lesson),* which further suggests that both works were painted in situ in the Van Nederveen house, and not in Vermeer's studio.

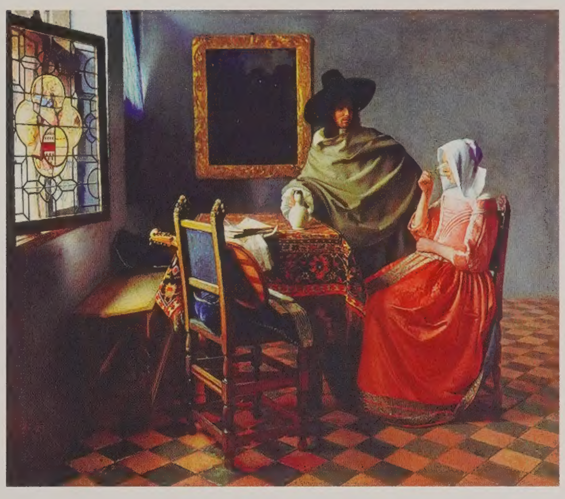

FIGURE 5. Vermeer, *The Glass of Wine,* 1658-61, oil on canvas, 65 x 77 cm. Gemäldegalerie, Staatliche Museen, Berlin.

This new evidence undermines Steadman's proposal in at least two ways. First, it significantly reduces the statistical rarity of the canvas/image-size correspondences, as fewer paintings highlighted by Steadman were actually executed in Vermeer's studio. Second, Steadman's hypothesis that Vermeer kept optical trade secrets becomes even more implausible given that there is no documentation suggesting that Vermeer built an optical room within the Van Nederveen home. Alternatively, if Vermeer did *not* use optics for the execution of the two works painted in the Van Nederveen house, it shows that the distinctive style of Vermeer's paintings need not involve the proposed optics after all.

Even before this new evidence appeared, Steadman retreated from his camera obscura hypothesis, preferring instead "something like ..." the telescope device and procedure proposed by Tim Jenison, which is the focus of this article.[7]

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[4] These paintings are: *Young Woman with a Wine Glass, The Glass of Wine, Lady Writing a Letter with her Maid, Lady Standing at a Virginal, Lady at a Virginal with a Gentleman (The Music Lesson),* and *The Concert.*

[5] Pinholes result from a common method for constructing perspective lines, which uses a pin attached to a chalked string. The artist inserts the pin at the site of the vanishing point, and then snaps the chalked string against the canvas to create orthogonal lines that appear to converge toward that point.

[6] Huib J. Zuidervaart, "A New Theory on the Origin of Two Paintings by Johannes Vermeer," *Jaarboek Delfia Batavorum* (2019) vol. 28: pp. 9–34.

[7] Philip Steadman (2015), www.youtube.com/watch?v=GFfmc4e7KgM. More recently, Jane Jelley argued that Vermeer used a camera obscura to project an image onto a sheet of paper. She proposes that Vermeer painted large regions on the paper, and transferred the wet paint onto the canvas to produce the coarse underdrawings found in several of Vermeer's paintings. However, Jelley's use of high-luminance projections of (flat) digital images and commercial lenses produced far superior results to those obtained from using natural daylight and the single lenses available in the 17th century. Her method also offers no optical explanation for the presence of pinholes at vanishing points in Vermeer's paintings, nor does it explain the blurred highlights in Vermeer's works, which have no counterparts in the underdrawings. See Jane Jelley, *Traces of Vermeer* (Oxford: Oxford University Press, 2017); See also David. G. Stork, "Review of *Traces of Vermeer* by Jane Jelley," *Leonardo* (Jan. 2018), available at www.leonardo.info/review/2018/01/review-of-traces-of-vermeer-by-jane-jelley.

> "Jenison was inspired, in large part, by David Hockney's ... claim in 2001 that some artists as early as 1420 secretly used lenses or concave mirrors ..."

JENISON'S TELESCOPE HYPOTHESIS

Tim Jenison, an engineer with no studio art training, proposed and demonstrated a novel optical hypothesis for Vermeer's praxis.[8] Jenison was inspired, in large part, by David Hockney's highly promoted yet controversial claim in 2001 that some artists as early as 1420 secretly used lenses or concave mirrors to project images onto their supports and trace them.[9] Hockney argued that this technique led to a new "optical look" from artists such as Robert Campin, Jan van Eyck, and later artists. Although this bold hypothesis is intriguing, numerous independent scholars, historians of both art and optics, computer image analysts, and others have provided rigorous counterevidence and more plausible non-optical explanations for the phenomenon. They have also identified numerous errors in Hockney's evidence. This has led to the apparently unanimous scholarly rejection of Hockney's optical projection claims, at least for the early Renaissance.[10] Hockney himself has retreated from his tracing theory, now asserting that early painters were merely indirectly *influenced* by the sight of projected images but did not actually trace them.[11] (This hypothesis, too, has received little critical support.) Of course, the failure of Hockney's tracing theory does not, a priori, invalidate Jenison's proposal, which was *inspired* by it.

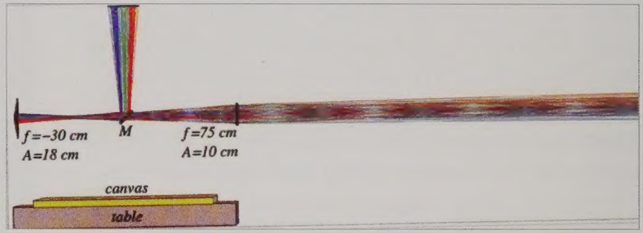

FIGURE 6. The catadioptric telescope Jenison proposes Vermeer used for *Lady at a Virginal with a Gentleman,* with focal lengths, f, and apertures, A, marked. Light from the studio (at the right) passes through a converging lens and to a concave mirror and back to a plane mirror, M, then up to the artist's eye. The artist would look down at the plane secondary mirror to see a real image of the studio, and shift slightly to the side to see the corresponding position of his painted image on the canvas. The artist could adjust the applied paint until the two images matched precisely (Source: Ray-tracing figure from the author).

In the 2013 film, produced by Penn Jillette and Teller, the noted performers and friends of Jenison's, Jenison proposed that Vermeer's working methods incorporated a *catadioptric telescope*—a complex optical device that uses both lenses and mirrors to project an image. This system uses a converging lens (a double convex lens, such as in cameras) and a concave mirror (such as a shaving mirror), as shown (schematically) in **FIG. 6.** In the catadioptric telescope, light passes through the converging lens, to the concave mirror, back to a small plane mirror, angled at 45°. Both the converging lens and the concave mirror focus the light to create an image in the space of the telescope (not on a screen). The artist looks *down* onto the plane mirror and sees the image of a small portion of the scene. Just to the side of the mirror the artist would see the canvas, lying flat on the table, and can thus easily and accurately compare, side-by-side, the paint he has applied to the canvas and the image produced by his telescope **(FIG. 7).**

Jenison illustrated his device and proposed technique by painting his own version of Vermeer's *A Lady at a Virginal with a Gentleman (The Music*

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[8] *Tim's Vermeer,* A Penn and Teller Film, Sony Pictures Classic and High Delft Pictures LLC (2013).

[9] David Hockney, *Secret Knowledge: Rediscovering the Lost Techniques of the Old Masters* (New York: Viking Studio, 2001).

[10] See for example, Sven Dupré (ed.), Sara J. Schechner, A. Mark Smith, et al., *Early Science and Medicine: Optics, Instruments and Painting 1420±1720: Reflections on the Hockney-Falco Thesis,* vol. 10 (2) (Leiden: Brill, 2005); David Stork, "Tracing the History of Art: Review of Early Science and Medicine: Optics, Instruments and Painting, 1420–1720: Reflections on the Hockney-Falco Theory," *Nature (2005)* vol. 438: pp. 916–17; "'Rosetta Stone?' Hockney, Falco and the Sources of 'Opticality' in Renaissance Art," *Leonardo* (2004) vol. 37: pp. 397–401; David G. Stork, "Optics and Realism in Renaissance Art," *Scientific American* (Dec. 2004) vol. 291(6): pp. 76–84; David G. Stork, Jacob Collins, Marco Duarte, Yasuo Furuichi, David Kale, Ashutosh Kulkarni, M. Dirk Robinson, Christopher W. Tyler, Sara Schechner, and Nicholas Williams, "Did Early Renaissance Painters Trace Optically Projected Images? The Conclusion of Independent Scientists, Art Historians and Artists," in Filippo Stanco, Sebastiano Battiato, and Giovanni Gallo (eds.), *Digital Imaging for Cultural Heritage Preservation* (Boca Raton: CRC Press, 2011): pp. 379–407; Ashutosh Kulkarni and David G. Stork, "Optical or Mechanical Aids to Drawing in the Early Renaissance? A Geometric Analysis of the Trellis in Robert Campin's *Mérode Altarpiece,*" in Kurt S. Niel and David Fofi (eds.), *Electronic Imaging: Image Processing: Machine Vision Applications II* (Bellingham, WA: SPIE/IS&T, 2009): vol. 7251: pp. 1-9.

[11] David G. Stork, "Response to David Hockney," *Scientific American* (April 2005) vol. 292 (4): p. 14.

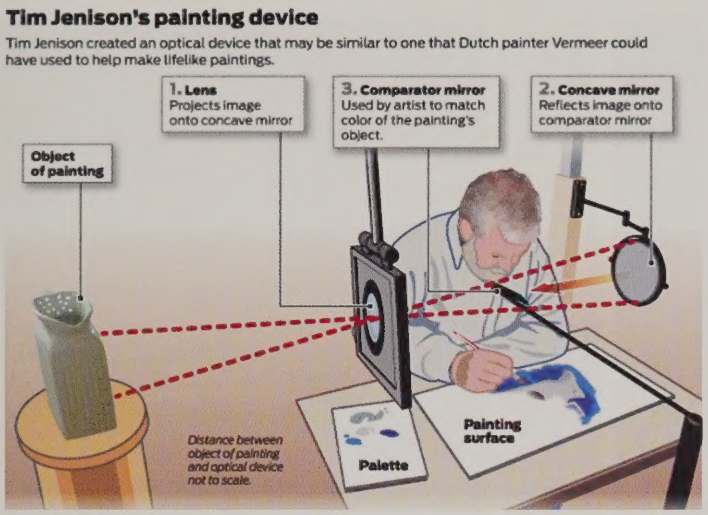
Tim Jenison's painting device
Tim Jenison created an optical device that may be similar to one that Dutch painter Vermeer could have used to help make lifelike paintings.
1. Lens Projects image onto concave mirror
3. Comparator mirror Used by artist to match color of the painting's object.
2. Concave mirror Reflects image onto comparator mirror
Object of painting
Distance between object of painting and optical device not to scale.
Painting surface
Palette

FIGURE 7. Tim Jenison's optical painting device, as shown in *Tim's Vermeer.* (Source: Marc Fisher/San Antonio Express News)

Lesson). To this end, Jenison spent many months constructing a replica of Vermeer's studio, fashioning furniture, purchasing carpets and a viola da gamba, and even blasting a wall in his warehouse and reconstructing it with windows that matched Vermeer's. He then spent 130 eight-hour days of tedium painting the scene using his proposed telescope. The resulting painting is indeed impressive, and accurately captures the perspective and color of Vermeer's paintings. It also captures the geometric and mathematical accuracy of Vermeer's painting—although artists since the Renaissance had mastered geometric perspective without the use of optical devices. So we can conclude that Jenison painted a work that in many ways *resembles* a Vermeer.

But did *Vermeer* use such a telescope while painting? Let us address that question from multiple vantage points because, as my colleagues and I have argued elsewhere in more detail, I believe Tim Jenison's hypothesis is implausible.[12]

THE EVIDENCE AND ARGUMENTS

A. Optical Complexity

The Dutch Golden Age was a time of discovery and invention in optics, with improvements in lens-and mirror-making technology, early one-lens microscopes, camera obscuras, and telescopes.[13] Nevertheless, had it existed, Jenison's catadioptric telescope would have been the world's most complicated system, requiring more types of optical elements (converging lens, concave mirror, plane mirror) than even the celebrated telescopes that would be invented later by optical geniuses such as Isaac Newton and Laurent Cassegrain. Jenison's telescope is also far more sensitive to misalignment, requiring extraordinary care in alignment and separations—more than any optical system of that time, as we shall see below.

> The resulting painting is indeed impressive, and accurately captures the perspective and color of Vermeer's paintings … But did *Vermeer* use such a telescope while painting?

B. Documentary Evidence

There is no textual evidence that Vermeer ever met anyone versed in optics; nor are there records from him or contemporary optics purveyors that he purchased any optical devices. Antonie van Leeuwenhoek, the Dutch scientist who invented a single lens microscope, was the state appointed executor of Vermeer's estate. But his thorough inventory of the artist's estate shortly after his death includes no mention of a room-sized camera obscura, nor a complex telescope, nor any imaging optics whatsoever—not even a single lens. Surely Leeuwenhoek, who was well versed in optics, would have recognized any imaging optical devices, had they been present in Vermeer's home. And although the fact that Leeuwenhoek conducted Vermeer's post-mortem inventory might suggest that the two men knew

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[12] David G. Stork, Christopher W. Tyler, and Sara J. Schechner, "Did Tim Paint a Vermeer?" *Journal of Imaging Science and Technology* (2020) vol. 64(6): pp. 060403 1-12; See also David G. Stork (2020). ias.ucsc.edu/events/2020/laser-talks-october-13-2020; and David G. Stork, "*Tim's Vermeer,* Reconsidered," *Optics and Photonics News* (March 2021) vol. 32 (3): pp. 38–45.

[13] R. Willach, "The Development of Telescope Optics in the Middle of the Seventeenth Century," *Annals of Science* (2001) vol. 58: pp. 381–98; See also A. van Helden, "The Development of Compound Eyepieces 1640–1670," *Journal of the History of Astronomy* (1977) vol. 8: pp. 26–37.

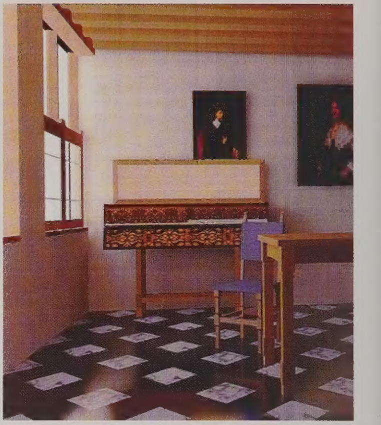

FIGURE 8. Computer graphics rendering of the tableau in *Lady at a Virginal with a Gentleman* with strict adherence to the laws of optics and shadows (radiosity), showing the falloff in brightness (luminance) along the rear wall, floor, and throughout the composition. (Source: John R. Wallace, Michael F. Cohen, and Donald P. Greenberg and the Laboratory for Computer Graphics at Cornell University)

each other, there is no independent evidence that they ever met.[14]

C. Accuracy of Color and Tone

The mirror-comparator procedure greatly facilitates the copying and matching of colors and tones (gray levels) in the scene because the artist can compare directly his applied paint and the optical image of the tableau. For this reason Steadman, a convert to the mirror comparator hypothesis, states "The most powerful evidence [for the mirror comparator hypothesis] has to do with tonality," and claims specifically that the falloff in lightness along the rear wall in Vermeer's painting "cannot be seen."[15] Both he and Jenison repeatedly assert that an artist simply cannot reproduce the tone on the rear wall without using a device such as the comparator: Steadman states, "You just cannot see a shadow gradient in tone like that," and "Not even Vermeer could have seen the difference between luminance at the right and left." This is echoed by Jenison in the documentary. The luminance gradient, he says, "is something Vermeer has reproduced that he could not have seen."

On this central matter, however, the proponents are confusing the perceptual phenomena of *color constancy* (or *lightness constancy*) with brightness or *luminance perception*. Color constancy describes the fact that one perceives the inherent color of a surface as being constant despite overall changes in light level and even changes in color of the illumination.[16] Even though half a piece of paper is in the sun and the other half in the shade, we perceive the inherent color throughout the surface as a uniform white. However, through *luminance perception* we can *also* easily detect that one portion of the white paper is brightly illuminated and the other dimly illuminated.[17] The reader need merely look at a nearby wall or floor illuminated unevenly by a lamp or sun to verify this fact. **Figure 8** shows a computer graphics reconstruction of Vermeer's studio rigorously following the laws and constraints of illumination, technically called *radiosity*.[18]

The falloff in overall light level is quite apparent, despite the fact that, due to lightness constancy, we recognize that the color of the paint is likely uniform throughout.

Vermeer could easily see the gradual falloff in luminance throughout his studio—specifically across the rear wall. He, like innumerable artists over the centuries, did not need to rely on the telescope or optical aids to achieve color or tonal accuracy in his paintings, as Jenison and his supporters have suggested.

D. Bowing of a Single Contour

Jenison points to a single contour on the virginals in Vermeer's *Lady at a Virginal with a Gentleman* that has a very slight bowing or arch **(FIG. 9).** Assuming the contour on the virginal case itself was straight, Jenison offers an "optical" explanation: that Vermeer used the proposed catadioptric telescope but accidentally set it up incorrectly—tipping a lens, or mirror, or otherwise misadjusting the optics. Such optics, mis-aligned, could indeed lead to a slight bowing of a line. But it cannot explain

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[14] John Michael Montias, *Vermeer and His Milieu: A Web of Social History* (Princeton: Princeton University Press, 1989). As Montias notes, Leeuwenhoek's uncompromising administration of the artist's estate and his unsympathetic treatment of Vermeer's widow, strongly suggest that he was not well-acquainted, if at all, with Vermeer.

[15] Op cit. Steadman (2015): pp. 38-53.

[16] David S. Falk, Dieter R. Brill, and David G. Stork, *Seeing the Light: Optics in Nature, Photography, Color, Vision and Holography* (2nd ed.) (Brattleboro, VT: Echo Point Press, 2019).

[17] C. James Bartleson and Edwin J. Breneman, "Brightness Perception in Complex Fields," *Journal of the Optical Society of America* (1967) vol. 57 (7): pp. 953–57.

[18] John R. Wallace, Michael F. Cohen, and Donald P. Greenberg, "A Two Pass Solution to the Rendering Equation: A Synthesis of Ray Tracing and Radiosity Methods," Maureen Stone (ed.) *Proceedings of SIGGRAPH* (1987): pp. 311–20.

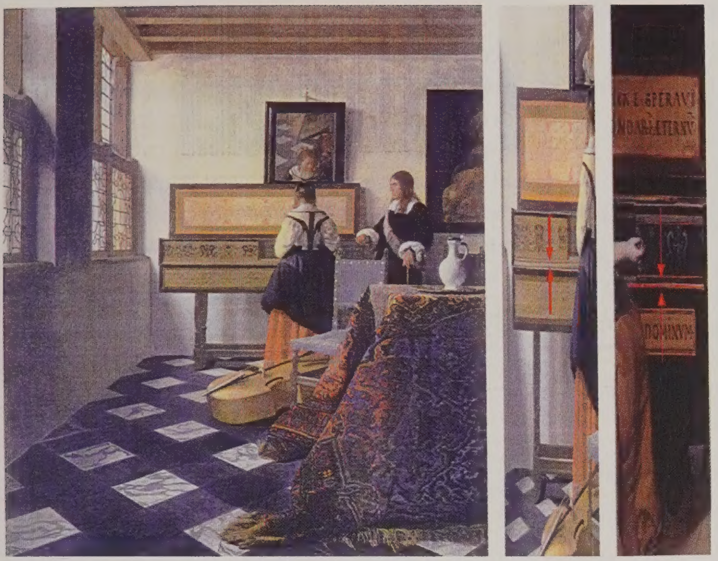

FIGURE 9. ***Lady at a Virginal with a Gentleman*** **(LEFT);** Detail of the painting, horizontally compressed to reveal the slight upward bow in the horizontal line along the virginal case **(CENTER);** Detail of Gabriel Metsu's ***Lady at a Virginal*** (1660-67), Museum Boijmans Van Beuningen, Rotterdam, scaled to reveal a slight bowing in a single contour on the virginal **(RIGHT).**

why all of the other adjacent lines in the painting—including the nearby horizontal line beneath the bowed contour, and indeed every nominally straight line in the scene (e.g., furniture and architecture)—is in fact straight. (A single similar, slightly arched, contour appears on the virginal in Gabriel Metsu's *Lady at a Virginal,* and no one seriously suggests *he* used optics.)

E. Independent Reenactments

For decades, proponents stressed that Vermeer was *aided* by optics, which they claimed would also speed his execution. Paradoxically, however, Jenison's optical method is surprisingly tedious and slow. As noted above, it took Jenison 130 eight-hour days to complete his single painting, prompting him to complain at one point, "If we weren't making a film, I would definitely find something else to do." Professional artist Jonathan Janson, who has for decades studied Vermeer's methods, tried to use Jenison's telescope and mirror-comparator technique but invariably failed. His report of his efforts is filled with expressions of confusion, frustration, and exasperation.[19] It seems extraordinarily unlikely that a lone artist in the 17th century could operate (let alone invent and keep secret) such a profoundly difficult and frustrating device.

F. Fictive or Non-Existent Elements in Vermeer's Paintings

The late Walter Liedtke of The Metropolitan Museum of Art long argued that many elements in Vermeer's interiors were "fictive"—they never physically existed in the artist's studio but were added to paintings for aesthetic and iconographic ends.[20] Naturally, fictive elements would not have been executed by means of an optical projector. Consider the black and white "tile floors" depicted in Vermeer's works. Supporters of Jenison are impressed by the accurate tones on the tiles, much as on the rear wall. But did those floors even exist in Vermeer's studio? The tile designs in *Lady at a Virginal with a Gentleman, The Concert, The Love Letter, Lady Standing at a Virginal,* and *The Art of Painting* represent significantly different black and white tiled floors. So even if one argues that Vermeer's house must have contained a tiled floor, it proves that he did not slavishly copy (optically or otherwise) the floor design before him.

Recent research on the 17th-century Dutch tile industry and residential architecture casts doubt on the suggestion that Vermeer's home contained a tiled floor.[21] Such floors were expensive and found almost exclusively in the homes of the wealthy. Moreover, they would have been placed in the public areas on the ground floor, not in an upstairs painting studio of an impoverished artist's home. This new scholarship further rebuts the argument that Vermeer's presumed accurate rendering of the lightness of the tiles depended on Jenison's telescope and mirror-comparator procedure.

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[19] Jonathan Janson, "How Vermeer Painted," in Tim Jenison, Jonathan Janson, and David Walsh, *Hound in the Hunt: Optical Aids in Art* (Hobart, Tasmania: Museum of Old and New Art (MONA), 2016): pp. 89–151.

[20] Walter Liedtke, *A View of Delft: Vermeer and his Contemporaries* (Zwolle: Waanders Publishers, 2000).

[21] Inger Groeneveld, "In goede orde veranderlijk geordineerd: Schriftelijke bronnen over (marmer)stenen vloeren in het Nederlandse interieur van de 17de en 18de eeuw," *Tijdschrift voor Interieurgeschiedenis en Design* (2010-2011) vol. 37: pp. 21–51.

CONCLUSIONS

Jenison's telescope would have been the world's most complicated optical device, had it existed in Vermeer's time. It would have been difficult and frustrating to use, as confirmed by Jenison himself and an independent professional artist. We have none of the expected textual evidence that show Vermeer had met optical artisans, knew optics himself, or even owned any optical devices, including a simple lens. The proponents' claims that Vermeer could not have seen (and hence not rendered) the luminance gradient along the rear wall, floor, and elsewhere are patently false, as demonstrated by numerous other artists who, over centuries, saw and rendered precisely such luminance gradients without the need for a mirror comparator. Were optics the explanation for the single slightly-bowed contour on the virginal in Vermeer's painting we would see numerous other bowed contours throughout the painting—but in fact all are straight. For these and other reasons explained more thoroughly elsewhere,[22] we can conclude with great confidence that it is extraordinarily unlikely Vermeer used a catadioptric telescope and mirror-comparator procedure, Jenison's or other.

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[22] Op cit. Stork, Tyler, and Schechner (2020); Op cit. Stork (2021).

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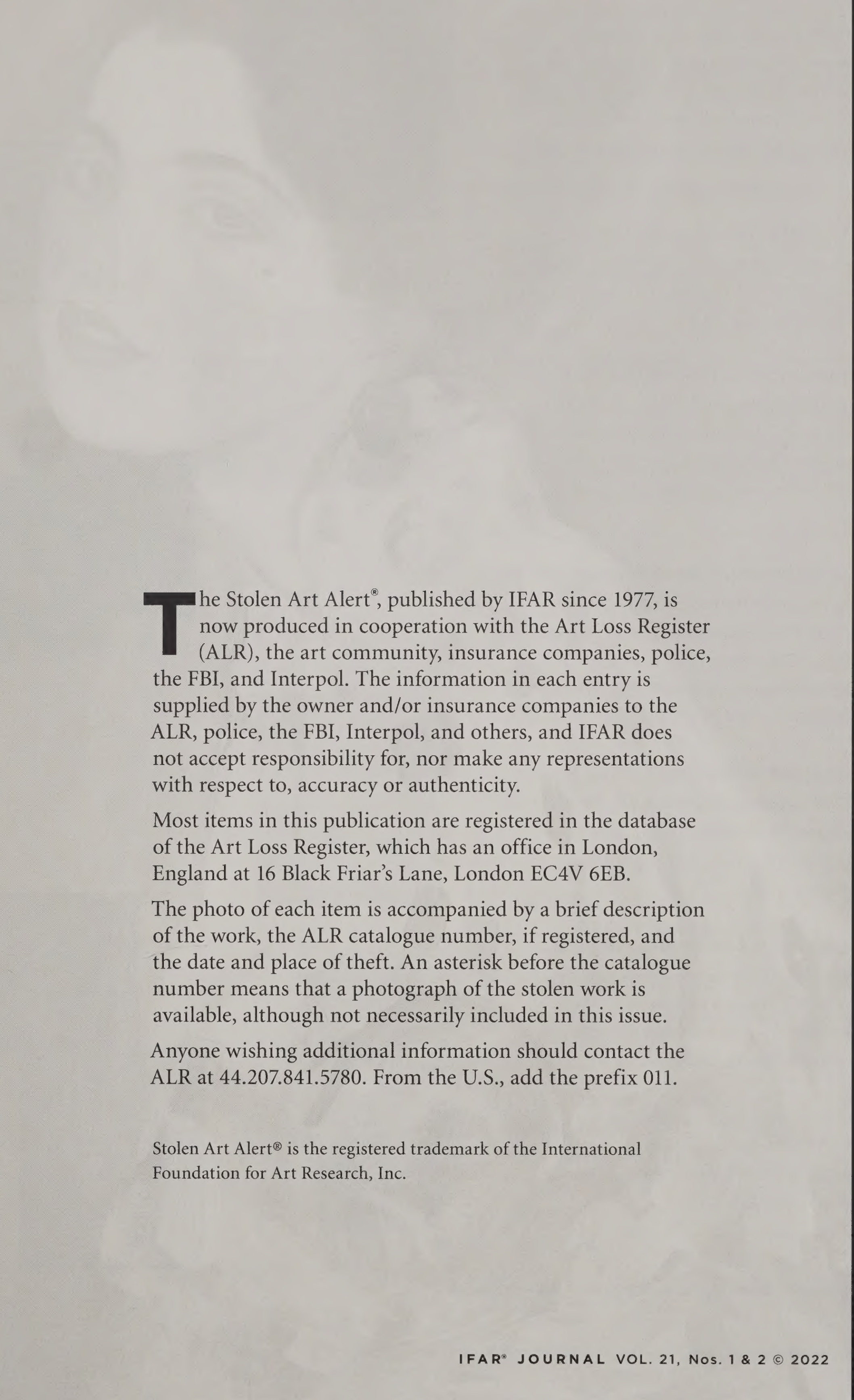

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Most items in this publication are registered in the database of the Art Loss Register, which has an office in London, England at 16 Black Friar's Lane, London EC4V 6EB.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

Anyone wishing additional information should contact the ALR at 44.207.841.5780. From the U.S., add the prefix 011.

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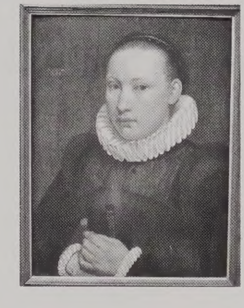
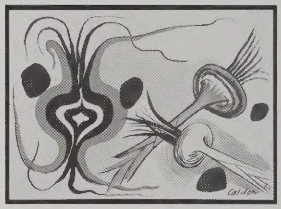
STOLEN ART*

PAINTINGS

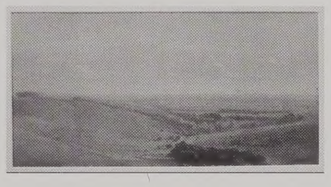
1. **PIETER AERTSEN** (Dutch, 1508-1575). ***Portrait of a Young Woman,*** 1561. Oil on panel. 35.8 x 46.7 cm (14" x 18"). *L22.1026. Stolen during museum hours from an exhibition at the Museum Huelsmann in Bielefeld, Germany on April 27, 2022 after a young woman walked out with it.


1

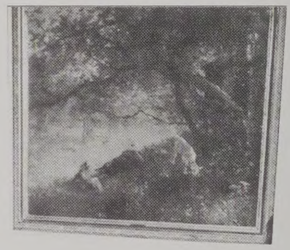
2. **ALEXANDER CALDER** (American, 1898-1976). ***Oignons Croises,*** 1965. Gouache. 21.25 x 29.5 cm (approx. 8 ⅜" x 11 ½"). Signed l/r. *L21.171. Stolen from a gallery in Chicago, IL on December 2, 2020.


2

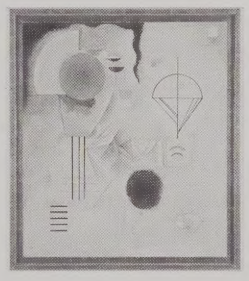
3. **JOHN CONSTABLE** (English, 1776-1837) (Attrib. to). ***Dedham Vale,*** c. 1820. Oil on panel. 22.86 x 43.18 cm (9" x 17"). On the verso: a label indicating the maker/retailer of the panel as Charles Smith, Successor to Smith [] & Co. *L20.297. Stolen from a gallery in England on April 17, 2019.


3

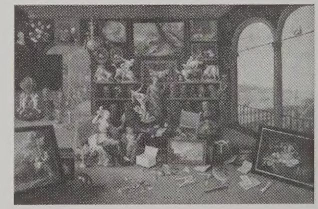
4. **GUSTAVE COURBET** (French, 1819-1877). ***Shepherd Theme.*** Painting on canvas. 75 x 80 cm (approx. 20 ½" x 31 ½"). *L21.174. Stolen from a private residence in Ottenbach, Switzerland while the owner was convalescing elsewhere between September 1, 2017 and November 30, 2020.


4

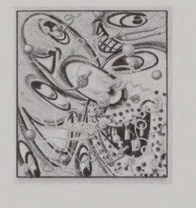
5. **WASSILY KANDINSKY** (Russian, 1866-1944). ***Circle and Spot,*** 1929. Oil on canvas. 77 x 67 cm (approx. 30 ¼" x 26 ⅜"). Signed l/l. *I20.118. IPGS case ref. 2020/114. Stolen from a warehouse in Prague, Czech Republic on February 8, 2018.


5

6. **JAN VAN KESSEL THE ELDER** (Flemish, 1626-1679). ***Allegory of Sight,*** 1650. Oil on canvas. 64.8 x 98 cm (approx. 25 ½" x 38 ½"). Interpol case ref. 2020/171.2. *L20.1896. Stolen from a private residence in North Bay, Ont., Canada on September 19, 2020.


6

7. **KENNY SCHARF** (American, born 1958). ***Macro Microcity,*** 2019. Oil and spray paint on linen. 101.6 x 91.44 cm (40" x 36"). *L21.906. Stolen in transit in Memphis, TN on April 26, 2021.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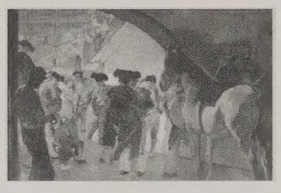
* Numbering for the Vol. 21 Cumulative Index of Stolen Art begins with this issue.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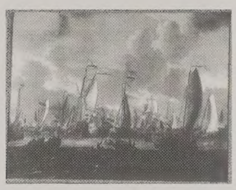
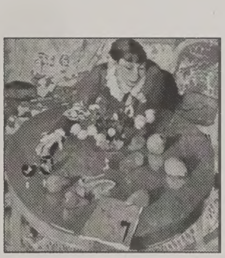
8. **JOAQUIN SOROLLA Y BASTIDA** (Spanish, 1863-1923). ***Before the Bullfight,*** 1898. Oil on canvas. 250 x 370 cm (approx. 98 ⅜" x 125 ⅝"). *I20.158. IPGS case ref. 2020/172. Stolen from a private residence in Madrid, Spain between January 2015 and September 30, 2020.

9. **RUDOLF STINGEL** (Italian, born 1956). ***Untitled,*** 2014. See color photo on inside back cover.

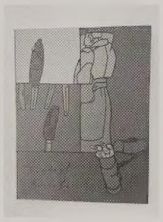

10

10. **ABRAHAM JANSZ STORCK** (Dutch, 1644-1708). ***Fête en rade d'Amsterdam in honor of Peter the Great,*** 1 September, 1697, c. 1697-1708. Oil on canvas. 88 x 92 cm (approx. 34 ⅝" x 36 ¼"). Signed l/r. *L21.1489. Stolen from the ICC premises in Paris, France on December 21, 2020.


11

11. **RIK WOUTERS** (Belgian, 1882-1916). ***Birthday Flowers,*** 1912. Oil on canvas. 97 x 112 cm (approx. 38 ¼" x 44"). *L21.143. Stolen from a private residence in Antwerp, Belgium on March 27, 2021.

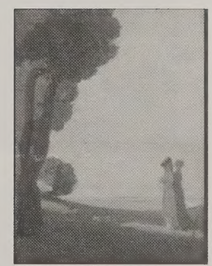
The following two paintings were stolen from a private residence in Uccle, Belgium on October 4, 2021. *L21.1481. IPGS case ref. 2021/264:


12

12. **VALÉRIO ADAMI** (Italian, born 1935). ***Swedish Knife,*** 1973. Oil on canvas. 117 x 89 cm (). Signed l/l.

13. **KAREL APPEL** (Dutch, 1921-2006). ***Abstract Composition.*** See color photo on inside back cover.

The following two paintings were stolen from a private residence in Portland, OR on March 12, 2020. *L20.832. See also item nos. 44, 45, and 81 below: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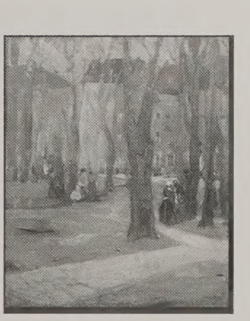
14. **MAX BOHM** (American, 1868-1923). ***Evening Promenade,*** 1890. Oil on canvas. 60.96 x 45.72 cm (24" x 18"). Signed.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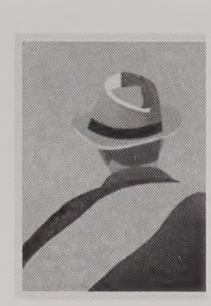
15. **ROBERT HENRI** (American, 1865-1929). ***Old Square Philadelphia,*** 1897. Oil on canvas. 45.72 x 35.56 cm (18" x 14"). On the verso: no. A3 127.

STOLEN ART

The following three paintings were stolen from a warehouse in Brussels, Belgium between 2014 and July 2021. IPGS case ref. no. 2021.265. *I22.19:

16. **EDUARDO ARROYO** (Spanish, 1937-2018). ***Faust IV,*** 1977. Painting on paper. 72 x 53 cm (approx. 28 ⅜" x 20 ¾").



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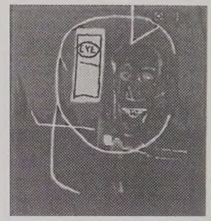
17. **JEAN-MICHEL BASQUIAT** (American, 1960-1988). ***Brown Face,*** 1984. Oil on canvas. 167.5 x 152.3 cm (approx. 66" x 60").



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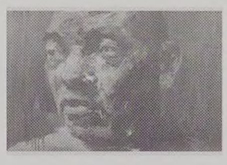
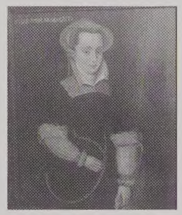
18. **YAN PEI MING**(Chinese, born 1960). ***Self-portrait,*** 2002. Painting on canvas. 130 x 200 cm (approx. 51 ¼" x 78 ¾").



18

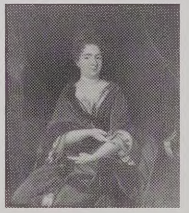
The following three paintings were stolen from a private residence in Utrecht, The Netherlands on December 3, 2019. *L19.2660:

19. **HANS ROBELAR** (Dutch, born 1550-1594). ***Portrait of a Lady,*** 1595. Oil on canvas. 80 x 60 cm (31 ½" x 23 ⅝").



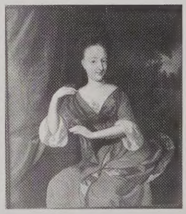
19

20. **NICOLAES VAN RAVESTEYN** (Dutch, 1613-1693). ***Portait of Claudina van Groenendijk*** (1672-1704), 1695. Oil on canvas. 80 x 60 cm (31 ½" x 23 ⅝").



20

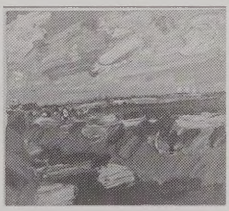
21. **Unknown Artist** (Dutch, 18th century). ***Portrait of a Lady.*** Oil on canvas. 80 x 60 cm (approx. 31 ½" x 23 ⅝").



21

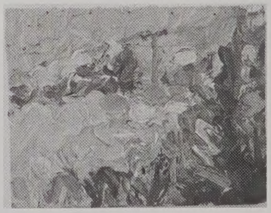
The following three paintings by **GEORGE ROWLETT** (English, born 1941) were stolen from a private residence in Maidstone, England on July 20, 2021. *L21.1610:

22. ***Deal Marshes, Cattle and Cooling Towers,*** 1984. Oil on canvas. 41 x 36 cm (approx. 16 ⅛" x 14 ⅛"). The title appears on the verso.



22

23. ***May Blossoms Near Freedown,*** 1994. Oil on board. 39 x 50 cm (approx. 15 ⅜" x 19 ⅝"). Signed on the verso.



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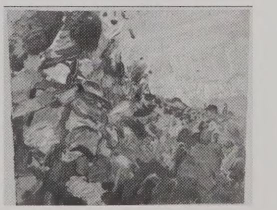
24. ***Untitled,*** 1986. Oil on canvas. 50 x 60 cm (approx. 19 ⅝" x 23 ⅝").



24

The following six paintings by **MAN RAY** (American, 1890-1976) were stolen along with works on paper in an armed robbery from a Los Angeles gallery on May 30, 2020. *L20.1041:

25. ***Decembre ou Le Clown (Natural Painting),*** 1963. See color photo on inside back cover.

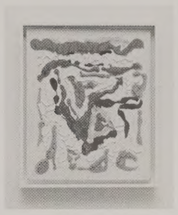
26. ***Natural Painting,*** 1959. Oil on masonite. 45.69 x 38.1. cm (approx. 18" x 15"). Signed and dated on the verso.

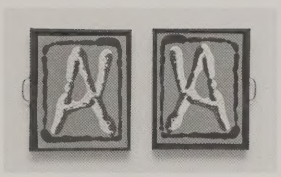
27. ***Natural Painting (The Letter A),*** c. 1958-1971. Oil and masonite on panel. 38.4 x 30.61 cm (approx. 15 ¼" x 12"). With a Sotheby's label on the bottom of the frame.

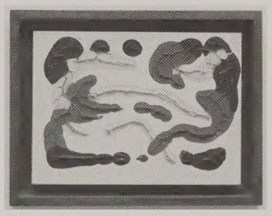
28. ***Natural Painting,*** c. 1958-1971. Acrylic on board. 24 x 33 cm (approx. 9 ½" x 13"). Signed l/r.

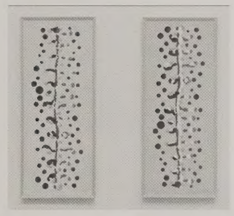
29. ***Natural Painting (a pair),*** 1950. Acrylic on masonite. 101.7 x 40.5 cm (40" x 16").

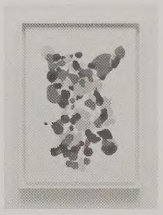
30. ***Parigi Composition Spontanée,*** c. 1958-1971. Acrylic on cardboard. 50 x 35.5 cm (approx. 19 ¾" x 14"). Signed l/r.


26


27


28


29


30

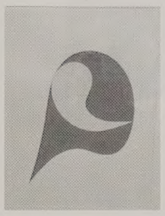
MIXED MEDIA

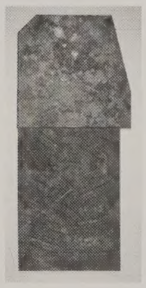
31. **HANS ARP** (German-French, 1886-1966). ***Collage.*** Paper. 33.5 x 23.05 cm (approx. 13 ¼"x 9 ¼"). *L21.1250. Stolen from a gallery in Basel, Switzerland on April 25, 2017.

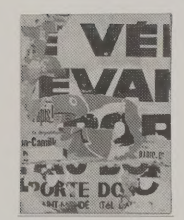
32. **SAM GILLIAM** (American, born 1933). ***Elm,*** 1981. Acrylic on canvas with collage, crafted in two parts. Approx. 14' 3" x 6'. Signed on the verso. *L20.1630. Stolen while on loan to the principal of a business in Rockville, MD on January 1, 2003.

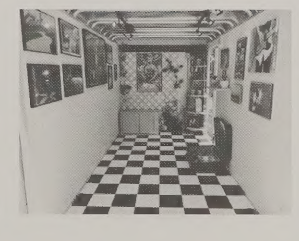
33. **MAHÉ DE LA VILLEGLÉ** (French, born 1926). ***Porte Dorée-Saint Mandé,*** 1960. Torn posters mounted on canvas. Signed l/c. 61 x 46 cm (24" x 18"). *L20.72. Stolen from a vehicle in Paris, France on December 27, 2019.

34. **SAMI WIDEBERG** (American, contemporary). Mobile Art Gallery ***"The Box."*** 6' x 12' trailer filled with various works by the artist. Stolen in Nashville, TN on December 8, 2019.


31


32

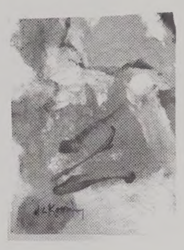

33


34

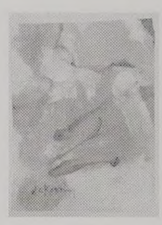
STOLEN ART

WORKS ON PAPER

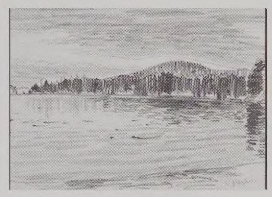
35. **WILLEM DE KOONING** (Dutch/American, 1904-1997). ***Untitled,*** 1965. Oil on paper vellum. 27.94 x 25.4 cm (11" x 10"). Signed l/l *L20.387. Stolen from a storage unit in Fort Lauderdale, FL on January 20, 2020.

35


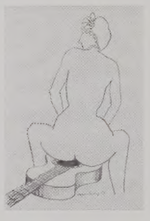
36. **WILLEM DE KOONING**. ***Untitled,*** 1965. Oil on paper vellum. 25.4 x 20.32 cm (10" x 8"). Signed l/l *L20.388. Stolen from an art fair in Miami Beach, FL on December 3, 2019.

36


37. **EDWARD JOHN HUGHES** (Canadian, 1913-2007). ***Sooke Harbour,*** 1950-53. Graphite drawing. 24.13 x 32.48 cm (9 ½" x 12"). *L22.381. Stolen from a gallery in Victoria, BC, Canada on June 10, 2021.

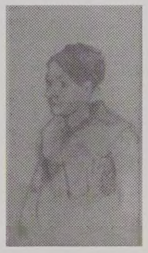
37


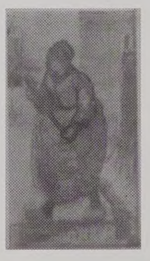
38. **MAN RAY** (American, 1890-1976). ***Nu à la guitar,*** 1957. China ink on paper. 25.5 x 37 cm (approx. 10" x 14 ½"). Signed and dated on the front. *L20.1041. Stolen in an armed robbery from a Los Angeles gallery on May 30, 2020.

38


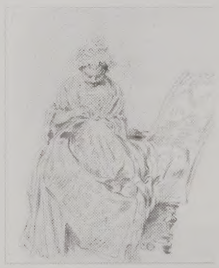
39. **JEAN-PAUL RIOPELLE** (Canadian, 1923-2002). ***Abstract,*** 1946. See color photo on inside back cover.

40A & B. **VINCENT VAN GOGH** (Dutch, 1853-1890). Two-sided drawing. A. On the recto, ***Head of a Peasant Woman.*** B. On the verso: ***Woman Sweeping,*** Nunen 1885. 12.5 x 7.01 cm (approx. 5" x 2 ¾"). *L21.1246. Stolen from a private residence in Amsterdam, The Netherlands on July 21, 2021.

40A


40B


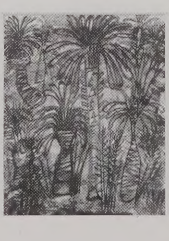
41. **JEAN-ANTOINE WATTEAU** (French, 1684-1721). ***La Ravaudeuse or La Couturière,*** 1715. Red chalk on paper. 22.7 x 17.8 cm (approx. 9" x 7"). *L21.176. Stolen in Geneva, Switzerland on July 1, 2020.

41


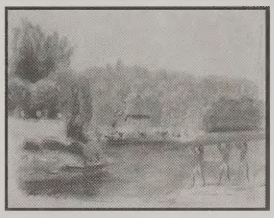
The following two works by **JEAN DUBUFFET** (French, 1901-1985) were stolen from a private residence in Sartrouvile, France on September 19, 2020. *I20.152. IPGS case ref. 2020/169:

42. ***Arabs and Camels,*** 1949. See color photo on inside back cover.

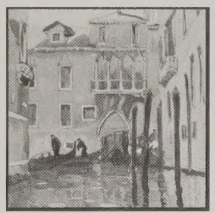
43. ***Palm Trees,*** Drawing and wash on paper. 55 x 44 cm (approx. 21 ⅝" x 17 ¼′).

43


The following two works were stolen from a private residence in Portland, OR on March 12, 2020. *L20.832. See also item nos. 14 and 15 above and 81.


44

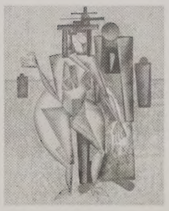
44. **WILLIAM GLACKENS** (American, 1870-1938). ***Study for L'Isle Adam, Seine-et-Oise,*** c. 1926-28. Pastel on paper. 20.32 x 30.48 cm (8" x 12"). Attached to the verso: a letter by the artist's son Ira dated 18 May 1977 describing the place and his father's working methods.


45

45. **JANE PETERSON** (American, 1876-1965). Venice, January 1939. Gouache on paper. 45.72 x 45.72 cm (18" x 18"). Signed l/l; dated on the verso.

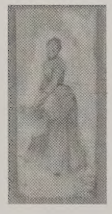
The following two works on paper by **KAZEMIR MALEVICH** (Russian, 1879-1935) were stolen from a gallery in Zurich, Switzerland on August 26, 2020. *L20.1453:

46. ***Figure Suprematiste,*** c. 1925-1930. See color photo on inside back cover.

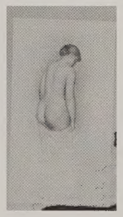

47

47. ***Nudo Configureo,*** c. 1925-1930. Charcoal and crayon on paper. 37 x 29 cm (approx. 14 ½" x 11 ⅜"). With a "Collect ID" NFC chip on the verso.

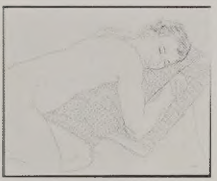
The following three works on paper were stolen in Paris France on May 7, 2015. *I20.21. IPGS case ref. 2015/39015:


48

48. **PIERRE AUGUSTE RENOIR** (French, 1841-1919). ***La Modiste (Dressmaker).*** Drawing. 33 x 14 cm (approx. 13" x 5 ½").


49

49. **PIERRE AUGUSTE RENOIR.** ***Le Nu.*** Drawing. 33 x 14 cm (approx. 13" x 5 ½").

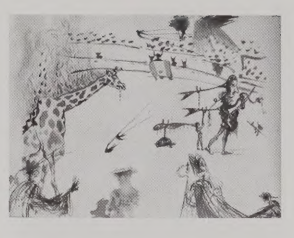

50

50. **Unknown Artist.** ***Portrait of Gregory.*** Drawing. 35 x 43 cm (approx. 12 ¾" x 17").

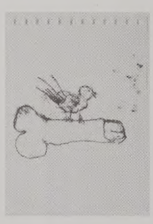
STOLEN ART

PRINTS, LITHOGRAPHS, ETCHINGS

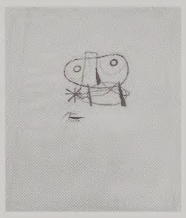
51. **SALVADOR DALÍ** (Spanish, 1904-1989). ***The Burning Giraffe on Fire,*** 1966. Hand-colored etching. 50.8 x 66.04 cm (20" x 26"). From the "Surrealistic Bullfight" series, inspired by Picasso. One of an edition of 100. *L19.2111. Stolen from a gallery in San Francisco on October 13, 2019.


51

52. **TRACY EMIN** (English, born 1963). ***Sweet Thing,*** 1994. Monoprint on paper. 20 x 15.6 cm (approx. 7 ¾" x 6 ½"). The page is perforated at the top. Signed l/l. With a White Cube label on the verso. *L19.1660. Stolen from a gallery in London, England on October 2, 2018.


52

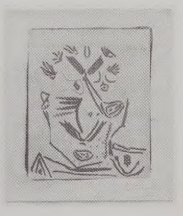
53. **JOAN MIRÓ** (Spanish, 1893-1983). ***The Aurora Ring,*** 1958. Etching with hand coloring in crayon on parchment; an impression aside from the 1957 ed. of 87. Signed and dated in ink. 11.1 x 13.7 cm (4 ⅜" x 5 ⅜"). Sheet: 37.2 x 27.3 cm (14 ⅝" x 10 ¾"). *L20.384. Stolen from a gallery in Paris, France on January 22, 1987.


53

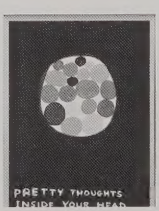
54. **JOAN MIRÓ** ***Gaudi X,*** 1979. Aquatint on paper. See color photo on inside back cover.

The following two prints were stolen from a rare books dealer in London, England on October 17, 2019. *L19.2167. See also item 91 below:

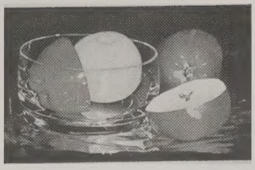
55. **PABLO PICASSO** (Spanish, 1881-1973). ***Portrait of a Man,*** from Notre Dame de Vie. Paris: Edition Cercle d'Art, 1966. Linocut printed in cream white ink and a black ink wash on Arches paper. Image size: 33.8 x 27.8 cm (approx. 13 ¼" x 11"); sheet size: 39.7 x 34 cm. Ed. no. 135/150. Signed/ numbered l/r. Bloch 1230. Kramer 108. Wofsy L-1881 [135712].


55

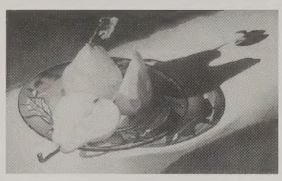
56. **DAVID SHRIGLEY** (English, born 1968). ***Pretty Thoughts Inside Your Head,*** 2018. Screen print on paper. 76 x 56 cm (approx. 30" x 22"). Ed. no. 48/125. Initialed, numbered and dated on the verso.


PRETTY THOUGHTS INSIDE YOUR HEAD
56

The following two prints by **MARY FRANCES PRATT** (Canadian, 1935-2018) were stolen in a burglary in Canada on December 6, 2021. *L21.1906:

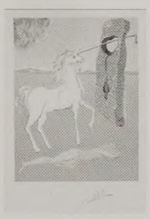

57

57. ***BC Delicious,*** 1994. Colored woodcut. 33.02 x 52.7 cm (13" x 20 ¾"). Signed l/r. Ed. no 63/75. On the verso: a Douglas Udell Gallery label.

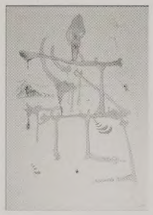

58

58. ***Pears on a Green Glass Plate,*** 1998. Colored woodcut. 33.02 x 52.7 cm (13" x 20 ¾"). Signed l/r. Ed. no. 71/75.

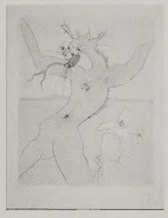
The following three prints by **SALVADOR DALÍ** (Spanish, 1904-1989) were stolen from a gallery in Ilford, England on November 8, 2019. *L20.107:


59

59. ***The Agony of Love,*** 1978. Lithograph on paper. 58.3 x 43.2 cm (approx. 23" x 17"). Ed. no. 151. On the verso, in pencil: no. GM33057. On the frame verso: gallery label.


60

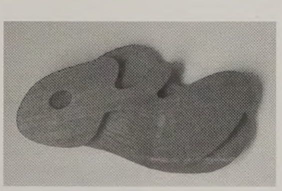
60. ***Landscape with Skeleton,*** 1975. Drypoint etching on paper. 52 x 35.5 cm (approx. 20 ½" x 14 ⅜"). Ed. no. 192/300. Signed in pencil l/r. On the print verso, in pencil: GM16956. On the frame verso: gallery label.


61

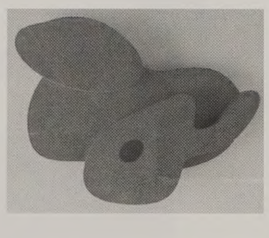
61. ***Little One-Inch,*** 1974. Etching on paper. 48 x 38 cm (approx. 19" x 15"). Signed in pencil l/r. On the verso: no. GM6924. On the frame verso: gallery label.

SCULPTURE

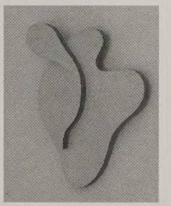
The following three works by **JEAN (HANS) ARP** (German-French, 1886-1966) were stolen from a warehouse in Munchenstein, Basel-Landschaft on April 25, 2017. *L21.1250.


62

62. ***Endo,*** 1935. Wood. Two overlapping panels, each approx. 2 cm deep. In pencil on the verso: signature and inscription: "Objet d'un Homme 1935."

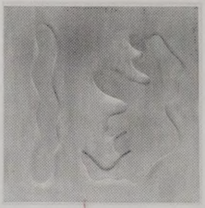

63

63. ***Innen und Ohne Ende/Interieur et sans fin,*** 1935. Wood. 38 x 27 cm (15" x 10 ⅝"). Three overlapping panels, each approx. 2 cm deep. In pencil on the verso: signature and inscription: "Objet d'une femme 1935."

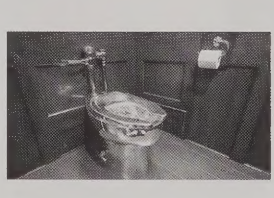

64

64. ***Pflanzenwappen/Blason végétal,*** 1944. Wood. Two overlapping panels, painted white and blue, each approx. 2 cm deep. 41 x 48 cm (approx. 16 ⅛" x 18 ⅞").

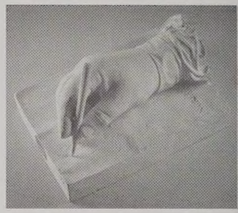
65. **JEAN ARP.** ***Concrete Relief G Child and Head,*** 1961. Aluminum. 65 x 65 cm (approx. 25 ½" x 25 ½"). IPGS case ref. no. 2021.265. *I22.19. Stolen from a warehouse in Brussels, Belgium between 2014 and July 2021.


65

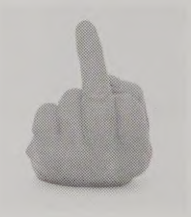
66. **MAURIZIO CATTELAN** (Italian, born 1960). ***America,*** 2016. 18-karat gold toilet. 72 x 35.6 x 68.6 cm (approx. 28 ¼" x 14" x 27"). *L19.1936. Stolen on September 14, 2019 in a smash-and-grab theft from an exhibition at Blenheim Palace, Woodstock, Oxfordshire, England.


66

67. **JEAN-AUGUST-DOMINIQUE INGRES** (French, 1780-1867). ***Right Hand Holding a Pencil.*** Plaster and stucco molding. 13.51 x 21.11 x 14.91 cm (approx. 5 ¼" x 8 ¼" x 5 ⅞"). Signed at the base. *I22.14. IPGS case ref. 2022/15. Stolen from a museum in Paris, France on January 6, 2022.

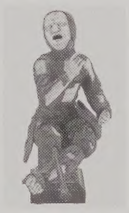

67

68. **AI WEIWEI** (Chinese, born 1957). ***Study of Perspective.*** Glass. *L22.1032. One of three sculptures by the artist stolen from an exhibition at a gallery in Hamburg, Germany on April 29, 2022. The trio of works references the artist's photography series, Study of Perspective (1995-2017), in which his middle finger is raised to monuments and politically charged sites.

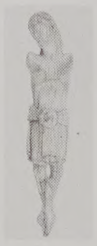

68

The following two works were stolen from an auction house in Rome, Italy on December 22, 2019. *L20.74:

69. **SIMON TROGER** (Austrian, 1683-1768). ***Beggar.*** Wood and ivory. 22 x 16 x 23 cm (approx. 8 ¾" x 6 ¼" x 9").

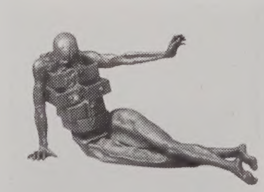

69

70. **Unknown Artist** (Italian, 15th century). ***Christ***. Ivory. 25 x 6 x 5 cm (approx. 9 ¾" x 2 ⅜" x 2"). The arms are missing.

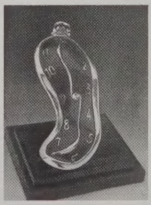

70

The following nine works by **SALVADOR DALÍ** (Spanish, 1904-1989) were stolen from a gallery in Stockholm, Sweden on January 30, 2020. *I20.33. Interpol case ref. 2020/25.

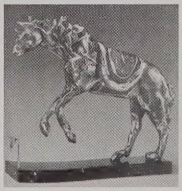
71. ***Anthropomorphic Cabinet.*** Bronze. H: 55.5 cm (approx. 21 ¾"). Ed. no. 250/330.


71

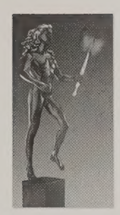
72. ***Dance of Time,*** 1984. Bronze. H: 36.5 cm (approx. 14 ⅜"). Ed. no. 264/350.


72

73. ***Horse Saddled with Time,*** 1980. Bronze. H: 44 cm (approx. 17 ¼"). Ed. no. 293/350.


73

74. ***Man with Butterfly,*** 1984. Bronze. H: 55.5 cm (approx. 21 ¾"). Ed. no 335/350.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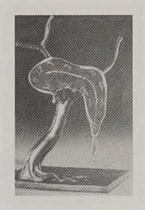
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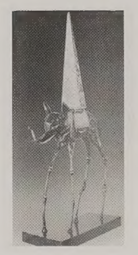
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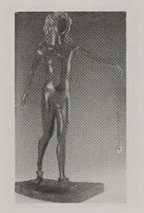
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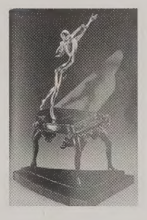
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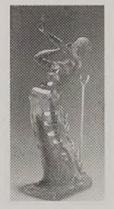
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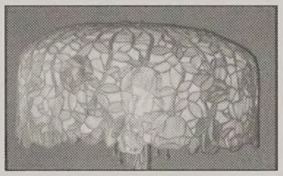

81

80

75. ***Profile of Time,*** 1984. Bronze.H: 51 cm (approx. 20"). Ed. no. 173/350.

76. ***Space Elephant,*** 1980. Bronze. H: 94 cm (37"). Ed. no. 326/350.

77. ***Surrealist Newton,*** 1984. Bronze. H: 49 cm (approx. 19 ¼"). Ed. no. 349/350.

78. ***Surrealist Piano,*** 1984. Bronze. H: 60 cm (approx. 23 ½"). Ed. no. 262/350.

79. ***Woman Aflame,*** 1980. Bronze. H: 84 cm (approx. 33"). Ed. no. 244/350.

GLASS

80. **LOREDANO ROSIN** (Italian, 1936-1991). ***Female Torso.*** Glass. H: 36.83 cm (14 ½"). *L21.279. Stolen from a private residence in Wrexham, England on August 2, 2021.

81. **Unknown Artist. *Rosebush Lamp Shade,*** c. 1906-1909. Unique art glass. Leaded glass and metal. Ht: 64.77 cm (25 ½"). D: 52.07 cm (20 ½"). Brown-green patina. Shade impressed Handel at a later date. *L20.832. Stolen from a private residence in Portland, OR on March 12, 2020. See also item nos. 14, 15, 44, and 45 above.

JEWELRY

The following nine pieces of jewelry were among more than 21 such pieces, worth an estimated $122.17 million, stolen from the Green Vault in the Royal Palace in Dresden, Germany in November 2019. The museum contained items collected by Augustus the Strong, elector of Saxony, king of Poland, and grand duke of Lithuania, and built by him between 1723 and 1730.

At 4 a.m. on November 25, 2019, thieves set a fire on the nearby Augustus Bridge, destroying an electric power box and disabling street lights and security alarms. They then cut through the iron bars around a window to enter the museum's Jewel Room where they smashed display cases with an axe, grabbed the jewelry, and escaped before the security guards arrived.

Six suspects are being tried in Dresden. The men, all in their twenties and from the Arab Remmo clan in Berlin, are accused of aggravated gang theft, arson, and aggravated arson. The items are still missing. *L19.2474. Interpol case ref. 2019/256.

82. **AUGUST GOTTHELF GLOBIG** (German, 18th century). ***Aigrette for the Hair in the Form of a Sun,*** c. 1782-1807. Diamonds and silver. Diam: 5.9 cm (approx. 2 ¼"). Inv. no. VIII 42/1.

83. **AUGUST GOTTHELF GLOBIG** . ***Heron-Stump (hat ornament),*** c. 1782-1807. 359 diamonds of different sizes, silver, gold. Ht: 14.8 cm (approx. 5 ¾"). Inv. no. VIII 26.

84. **CHRISTIAN AUGUST GLOBIG** (German, 18th century). ***Brooch of Queen Amelie Auguste,*** 1782. Diamonds, silver, gold. 12.5 x 21.41 cm (approx. 5" x 8½"). Inv. no. VIII 36.

85. **CHRISTIAN AUGUST GLOBIG.** ***Epaulette with the Saxon White Brilliant,*** c. 1782-89. Diamonds, silver, and gold-plated silver. Ht: 20.4 cm (approx. 8"). Inv. no. VIII 25.

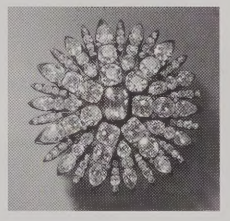
86. **CHRISTIAN AUGUST** and **AUGUST GOTTHELF GLOBIG.** ***Epaulette from the Diamond Rose Set,*** c. 1782-1789. 20 larger and 216 smaller diamonds, silver, gold. 22 x 7 cm (approx. 8 ½" x 2 ¾"). Inv. no. VIII 11.

87. **CHRISTIAN AUGUST** and **AUGUST GOTTHELF GLOBIG.** ***High Hatrack from the Diamond Rose Set,*** 1782-89. Diamonds, silver, and gold. L: 17.5 cm (). VIII 10.

88. **CHRISTIAN AUGUST** and **AUGUST GOTTHELF GLOBIG.** ***Jewel of the Polish White Eagle Order from the Diamond Rosegarden,*** c. 1782-1789. 2225 larger and smaller diamonds, silver, gold, enamel. 13.5 x 10.4 cm (approx. 5 ¼" x 4"). Inv. no. VIII 18.

89. **CHRISTIAN AUGUST** and **AUGUST GOTTHELF GLOBIG.** ***Sword with diamond-encrusted handle from the Diamond Rose Set,*** c. 1782-1789. 9 larger and 842 smaller diamonds, silver, gold. Handle Ht: 16.51 cm (6 ½). Inv. no. VIII 16.

90. **JEAN JACQUES PALLARD** (1701-1776). ***Breast Star of the White Polish Eagle Order,*** 1746-49. Diamonds, rubies, gold, and silver. 15.5 x 15.5 cm (approx. 6" x 6"). Inv. no. VII I23.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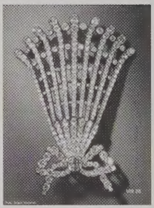
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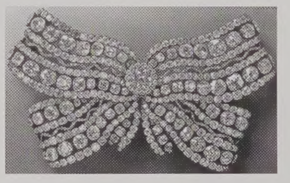
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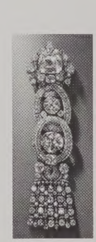
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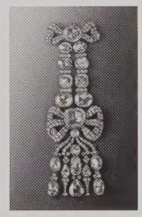
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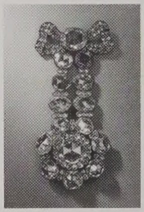
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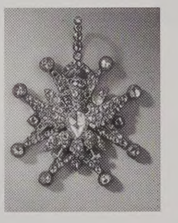
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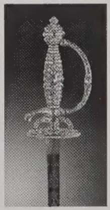
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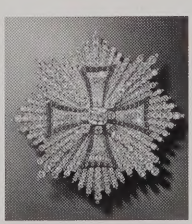
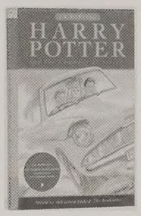

90

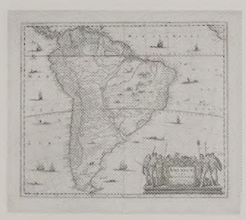
BOOKS, MANUSCRIPTS



91

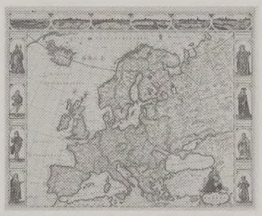
91. **J.K. ROWLING** (English, born 1965). ***Harry Potter and the Chamber of Secrets,*** 1998. Book (original pictorial boards) with dust jacket. 20.6 x 13.69 cm (approx. 9" x 5 ¼"). First edition, first impression. *L19.2167. Stolen from a rare books dealer in London, England on October 17, 2019. See item nos. 55 and 56 above.

The following works were among dozens of items stolen from an antiques dealer in London, England on December 4, 2020. *I21.61. IPGS 2020/208:



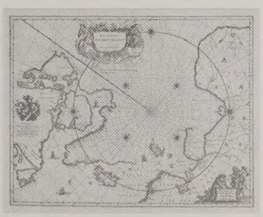
92

92. **WILLEM JANSZOON BLAEU** (Dutch, 1571-1638). ***Americae pars Meridionalis,*** 1640. Print on paper. 47 x 56 cm (approx. 18" x 22").



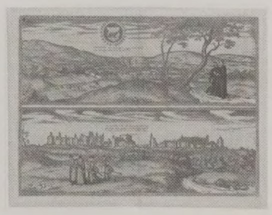
93

93. **W.J. BLAUE.** ***Nova Europae Descriptio,*** 1660. Print on paper. 44.5 x 55.5 cm (approx. 17 ½" x 21 ⅞").



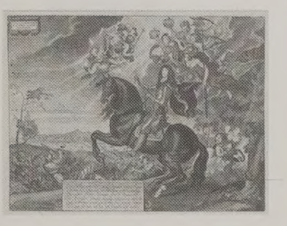
94

94. **W.J. BLAUE.** ***Regiones sub Polo Arctico,*** 1662. Print on paper. 41 x 63 cm (approx. 16 ⅛" x 24 ¾").



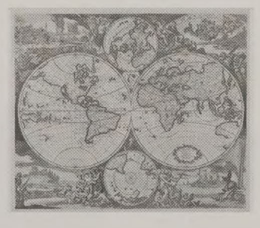
95

95. **BRAUN AND HOGENBERG** (German and Flemish, 16th century). ***Oxonium nobile Anglie oppidum,*** 1598. From the atlas Civitatus Orbis Theatrum. Print on paper. 36.5 x 49 cm (approx. 14 ⅜" x 17 ¼").



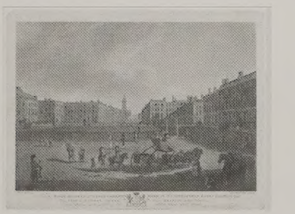
96

96. **CORNELIS VAN CAUKERCKEN** (Flemish, 1626-1680). ***Charles le Second: Roy de la Grand Bretagne,*** 1743. Print on paper. Based on a painting by Abraham van Diepenbeeck. 38 x 50 cm (approx. 15" x 19 ⅝").



97

97. **JUSTUS DANCKERTS** (Dutch, 1635-1701). ***Nova Totius Terrarum Orbis Tabula,*** 1685. Print on paper. 49 x 59 cm (approx. 19 ¼" x 23 ¼").



98

98. **ROBERT POLLARD** (English, 1755-1838). ***View of Hanover Square,*** 1789. Etching and aquatint on paper. Taken from a drawing. 44 x 57 cm (approx. 17 ¼" x 22 ⅜"). Text at bottom: To the Right Honorable Francis Golphin Marquis of Caermarthe Baron Osborne.

STOLEN ART

CHINESE ANTIQUITIES

The following works were among 20 items stolen from the Wilfrid Museum on Kibbutz Hazarea in Israel on August 19, 2020. *I21.9. IPGS case ref. 2020/157:

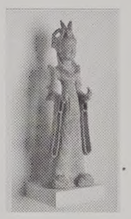
99. **Unknown Artist** (Tang Dynasty, 618-906). ***Court Lady.*** Polychrome terracotta.

100. **Unknown Artist** (Tang Dynasty, 618-906). ***Court Lady in Official Dress.*** Polychrome terracotta.

101. **Unknown Artist** (Shanxi Province, Tang Dynasty, 618-906). ***Flying Apsara.*** Stone. Bas relief fragment of a votive.

102. **Unknown Artist** (Tang Dynasty, 618-906). ***High OfficiaL*** Polychrome terracotta.

103. **Unknown Artist** (Late Shang Dynasty/Early Zhou, 1100 BC). ***Jue (ritual wine vessel).*** Bronze.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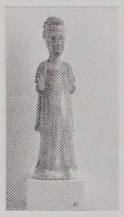
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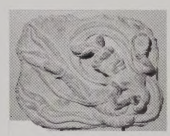
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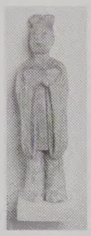
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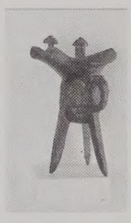
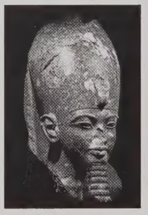

103

EGYPTIAN ANTIQUITIES

104. **Unknown Artist** (Egyptian, 18th dynasty). ***Royal Head of Amenhotep III*** Granite. 53 x 19 x 33 cm (approx. 20 ¾" x 7 ½" x 13"). *L21.815. Stolen from a private residence in Zurich, Switzerland on June 10, 2019.

105. **Unknown Artist** (Egyptian). ***Ushebti/Shabti of King Osorkon II.*** Stone. Ht: 14.5 cm (approx. 5 ¾"). *I21.29. IPGS case ref. 2021/37. Stolen from a gallery in Brussels, Belgium on February 1, 2018.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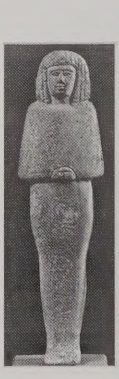
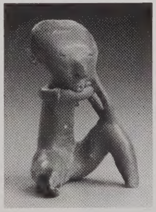

105

PRE-COLUMBIAN ANTIQUITIES

106. **Unknown Artist** (Mexican, 100 BC - 250 AD). ***Seated Figure.*** Hollow brown terracotta with red engobe with black and cream decoration. 20.4 x 13 x 10.8 cm (approx. 8" x 5 ⅛" x 4 ¼"). With a firing hole under the left ear and firing burn marks. Also with pierced earlobes and a nose ring. *L21.218. Stolen from a private residence in Le Chesnay-Rocquencourt, France on October 30, 2020.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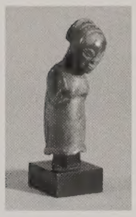
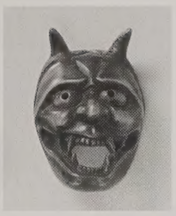
AFRICAN ART


107

107. **Unknown Artist.** ***Luba Female Figure Pendant*** (Congo, late 19th-early 20th century). Hippopotamus tooth. 8.51 cm (approx. 3 ⅜"). *L21.771. Stolen from a private residence in New York, NY on January 10, 2017.

JAPANESE ART

The following five items were among six stolen from a gallery in London, England on October 30, 2020. *L21.150: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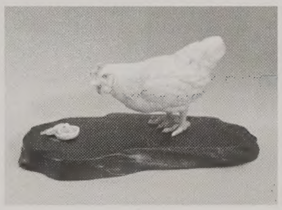
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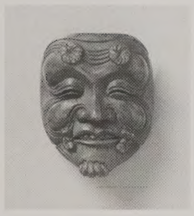
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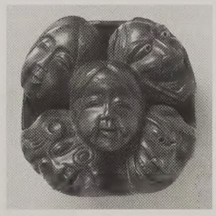
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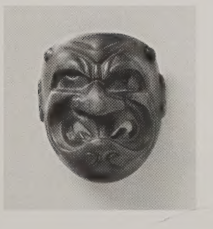

112

108. **HARUMITSU** (Japanese, early 19th century). ***Netsuke of Mask of Ja.*** Stained boxwood. Ht: 5.4 cm (approx. 2 ⅛").

109. **OHARA MITSUSADA** (Japanese, 19th century). ***Hen and Frog,*** 1880. Ivory on a wood base. Hen: 7.21 cm high (approx. 2 ¾").

110. **KANO TESSAI** (Japanese, 1845-1925). ***Netsuke of Noh Mask of Okino,*** c. 1900-1925. Pale boxwood. Ht: 3.51 cm (approx. 1 ⅜").

111. **Unknown Artist** (Japanese, 19th century). ***Netsuke of a cluster of masks.*** Wood. Ht: 4.9 cm (approx. 2").

112. **Unknown Artist** (Japanese, 19th century). ***Netsuke of Mask of Oni.*** Dark-stained wood. Ht: 4.1 cm (approx. 1 ½").

LETTERS TO THE EDITOR

REMINDER

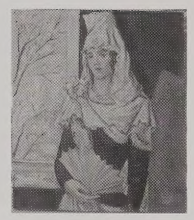
"Letters to the Editor" are welcome in *IFAR Journal.* Please keep letters brief. We reserve the right to edit for length. All letters must be signed. Please fax or mail letters to:

Dr. Sharon Flescher, Editor-in-Chief, *IFAR Journal*
500 Fifth Avenue, Suite 935, New York, NY 10110 • Fax: (212) 391-8794

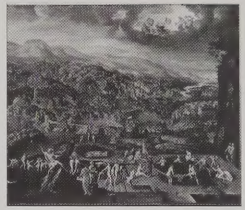
MISSING ART*

PAINTINGS

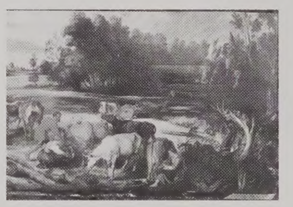
1. **NATALIA GONCHAROVA** (Russian, 1881-1962). ***Spanish Woman in a Mantilla,*** c. 1925-28. Oil on canvas. 52.5 x 45 cm (approx. 20 ⅝" x 17 ¾"). Signed l/r. *L20.1954. Reported missing in Paris, France on May 5, 2020, after it had been consigned to a man who died soon thereafter.


1

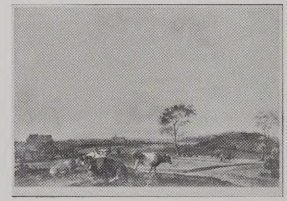
2. **MAERTEN VAN HEEMSKERCK** (Dutch, 1498-1574). ***Roman Landscape,*** 1550. Oil on panel. 125 x 190 cm (approx. 49 ¼" x 74 ¾"). *W20.49. Confiscated by the Nazis from a private residence in Vienna, Austria on August 9, 1939.


2

3. **PETER PAUL RUBENS** (Flemish, 1577-1640). ***Feeding the Cows,*** c. 1610 (a copy of the painting in the Alte Pinakothek, Munich). Oil on panel. 71 x 98 cm (approx. 28" x 38 ½"). *W20.25. Confiscated by the Nazis in Nuremberg, Germany on November 4, 1933.

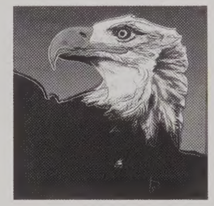

3

4. **PASCHA JOHANN FRIEDRICH WEITSCH** (German, 1723-1803). ***View of the Village Riddagshausen,*** 1762. Oil on canvas. 32 x 46.51 cm (approx. 12 ½" x 18 ¼"). *L19.2116. Missing from the Stadtischen Museum, Braunschweig, Germany on February 17, 1990 after it was cut from its frame during museum hours.


4

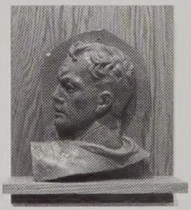
PRINTS, LITHOGRAPHS, ETCHINGS

5. **ANDY WARHOL** (American, 1928-1987). ***Bald Eagle,*** 1983. Screen print on board. 96.52 x 96.52 cm (38" x 38"). Signed in pencil Ed. no. 110/150. Stamped in ink on the verso: Ronald Feldman Fine Arts Inc. *L21.85. Missing in transit in Atlanta, GA on January 1, 2021.

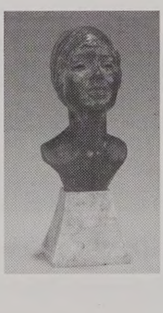

5

SCULPTURE

6. **ALEKSANDR ALEKSANDROVICH DEYNEKA** (Soviet/Russian, 1899-1969). ***Male Head in Profile,*** c. 1940s. Blue-glazed ceramic. 30 x 25 x 8 cm (approx. 11 ¾" x 9 ¾" x 3 ⅛"). *L21.523. Missing from a private residence in London, England on May 13, 2021.


6

7. **EMMY HASKELL** (English, 1882-1959). ***Princess Serafina Astafieva,*** 1927. Bronze. 17.78 x 5.08 cm (7" x 2"). Monogrammed”EH.” Foundry mark: F Barbedienne, Paris. *L21.1563. Missing from a gallery in London, England on September 2, 2021.


7

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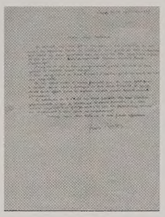
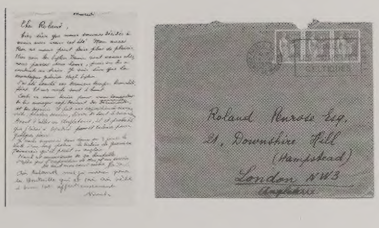
*Numbering for the Vol. 21 Cumulative Index of Missing Art begins with this issue.

LETTERS

The following letters were among a large group by Man Ray, Paul Eluard, Georges Hugnet, André Breton, and Valentine Penrose reported missing from an auction house in Paris on December 5, 2017. *L20.1318:

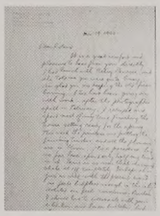

8

8. **ANDRÉ BRETON** (French, 1896-1966). ***Letter to Roland Penrose, September 1939.*** Ink on paper. 20 x 12 cm (approx. 7 ⅞" x 4 ¾").


9

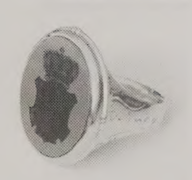
Roland Penrose Esq.
21, Downshire Hill
(Hampstead)
London NW3
Angleterre

9. **PAUL ÉLUARD** (French, 1895-1952). ***Letter to Roland Penrose,*** June 1937. With envelope. Ink on paper. 20 x 12 cm (approx. 7 ⅞" x 4 ¾").


10

10. **MAN RAY** (American, 1890-1976). ***Letter to Roland Penrose,*** May 1940. Ink on paper. 20 x 12 cm (approx. 7 ⅞" x 4 ¾").

JEWELRY


11

11. **BRITTA SCHWALM** (German, contemporary). ***Ring with the Coat of Arms of the Hohenzollern,*** 2018. 18-ct gold and onyx. 2.5 x 1.5 x 1.7 cm (approx. 1" x ½" x ⅝"). *L19.1900. Missing from an auction house in London, England on September 11, 2019.

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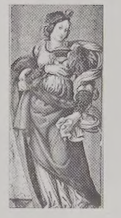
RECOVERED ART*

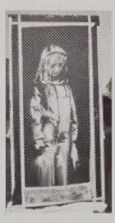
PAINTINGS

1. **GIAN GIACOMO BARBELLI** (Italian, 1604-1656). ***Mary Magdalene.*** Tempera on board. 130 x 61 cm (approx. 51 ⅛" x 24"). *L08.82. Stolen in Potenza, Italy on December 2, 1975. Recovered with the cooperation of the ALR and the Italian Carabinieri after a routine catalogue check of an Italian auction house in 2019.



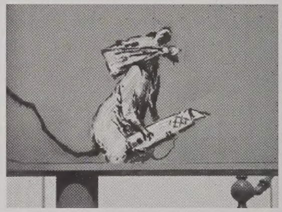
1

2. **BANKSY** (British, contemporary). ***Homage to the victims of November 2015 terrorist attack in Paris.*** In 2019 the mural was cut and removed from an emergency exit door outside the Bataclan, the concert venue where Islamic State gunmen massacred 90 people. Recovered by French and Italian police in the Abruzzo region of Italy in June 2020.



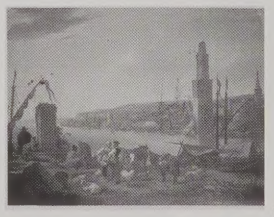
2

3. **BANKSY**. ***Image of a Masked Rat Wielding a Box Cutter.*** Stolen from outside the Pompidou Center in March 2019 when thieves used a saw to remove the work that had been stenciled on the back of a carpark sign. Recovered by authorities in Paris in February 2020.



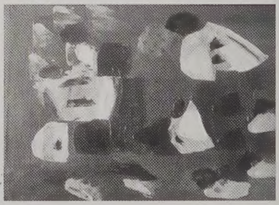
3

4. **NICHOLAES BERCHEM** (Dutch, 1620-1683). ***Harbor Scene.*** Oil on canvas. 68 x 88 cm (approx. 26 ¾" x 34 ⅝"). *L08.82. Recovered with the cooperation of the ALR and the Italian Carabinieri after the painting was located with a private owner in Switzerland in 2019.



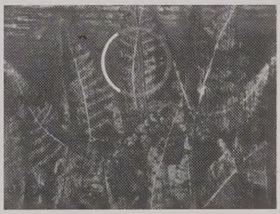
4

5. **PAUL-ÉMILE BORDUAS** (Canadian, 1905-1960). ***The Altar to the Idolaters,*** 1946. Oil on canvas. 29.2 x 38.1 cm (11 ½" x 15"). *N97.228. One of several works stolen from the house-studio of artist Jean-Paul Riopelle in Sainte-Marguerite-du-Lac-Masson in 1997. Recovered by police in Quebec in March 2020 after a law firm sought to authenticate the work for a client who had just acquired it.



5

6. **MAX ERNST** (German, 1891-1976). ***Forêt,*** c. 1918-1938. Oil frottage on paper. 22.81 x 30.51 cm (approx. 9" x 12"). *N92.206. (See *IFARreports,* Vol. 13, nos. 7&8, p. 12, no. 484.) Stolen from a framing shop in 1987. Recovered with the help of the ALR in 2019 after it was consigned to an international auction house. The work was returned to the owner and later sold at Sotheby's on June 29, 2020.



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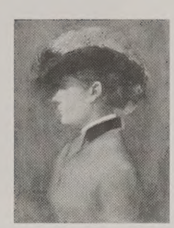
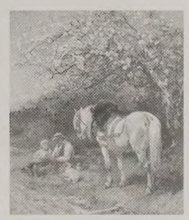
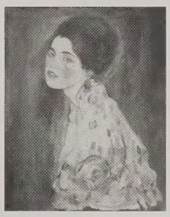
*Numbering for the Vol. 21 Cumulative Index of Recovered Art begins with this issue.


7

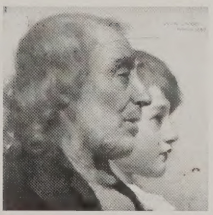
7. **JEAN-LOUIS FORAIN** (French, 1852-1931). ***Profile of a Lady,*** 1881. Oil on panel. 35.2 x 26.9 cm (approx. 13 ¾" x 10 ½"). This painting, looted by the Nazis from the attorney and art collector Armand Dorville during WWII, was returned along with a Forain watercolor, *Lady in an Evening Dress,* and a Constantin Guys drawing, *Amazon with Rearing Horse,* by Germany to Dorville's heirs in January 2020. At one time, the three works belonged to the German art dealer Hildebrand Gurlitt.


8

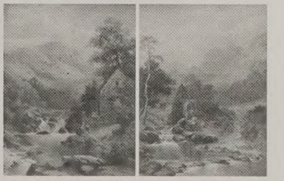
8. **HEYWOOD HARDY** (English, 1842-1933). ***A Rest at the Roadside or The Farmer's Lunch.*** Oil on canvas. 50 x 40 cm (approx. 19 ¾" x 15 ¾"). *L12.939. Stolen from a private residence in Knutsford, Cheshire, England on November 24, 1999. Recovered after the ALR spotted the painting for sale in an English auction house catalogue in 2019. Since June 2018 the paintings had been involved in five different transactions, having moved from the North to the South of England and then to Sweden and Belgium before returning to England for resale.


9

9. **GUSTAV KLIMT** (Austrian, 1862-1918). ***Portrait of a Lady,*** c. 1916-17. Oil on canvas. 68 x 55 cm (approx. 26 ¾" x 21 ⅝") *L97.305. Interpol case no. 1997/9059-1.1. (*IFARreports*, Dec. 1997, p. 9). *L97.305. Stolen from the Ricci Oddi Modern Art Gallery in Piacenza, Italy before a planned exhibition and during a renovation on February 22, 1997. Before it was stolen, X-ray analysis revealed that the canvas had a portrait underneath, which was painted over by the artist. After the theft, the discarded frame was found on the roof next to a skylight that was too small for the painting to go through. In April 1997, police discovered a forgery of the painting in Ventimiglia, Italy in a package addressed to the former Italian prime minister, Benedetto "Bettino" Craxi, who was hiding from the law in Tunisia. Authorities considered that the theft might have been staged before the exhibition to cover up the switching of the original with the forgery. On December 10, 2019 gardeners clearing away ivy that had grown over a recess in a wall outside the gallery discovered a bag containing the stolen painting. Experts subsequently confirmed its authenticity, and the painting went back on view in the gallery in November 2020. In March 2021, Italian prosecutors dropped charges against three people who had been suspected of being involved in the theft, and the crime remains unsolved.


10

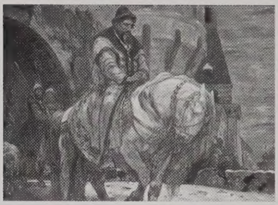
10. **JOHN LAVERY** (Irish, 1856-1941). ***Youth and Age,*** 1885. Oil on canvas. 33.02 x 33.02 cm (13" x 13"). *L92.75. Stolen from Jesuit school Stonyhurst College in Lancashire, England over two decades ago. Recovered in Ireland in September 2019 after the painting was consigned.


11

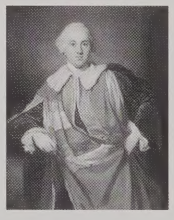
11. **WILLIAM HENRY MANDER** (English, 1850-1922). ***Mill in the Gwynant Valley, North Wales; and Morning Mists Stepping Stones, Slopes of Snowdonia.*** *L00.2036. Oil on canvas. 76.2 x 45.72 cm (30" x 18"). This pair of paintings was stolen in November 2000 from a woman residing in a nursing home in Cheshire, England. They were recovered with the help of the ALR after they were consigned for auction in 2019.

RECOVERED ART

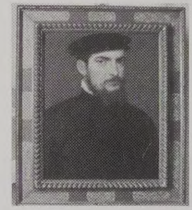
12. **MIKHAIL N. PANIN** (Russian, 1876-1963). ***Secret Departure of Ivan the Terrible before the Oprichina.*** Oil painting. 228.6 x 259.08 cm (7 ½' x 8 ½'). *W19.2. Stolen from the Dnepropetrovsk Art Museum during Germany's occupation of Ukraine in 1941. Discovered by Gabby and David Tracy (the painting came with the purchase of their home in Ridgefield, Connecticut) and sold at auction in 2017. Recovered by federal agents in Washington, DC in September 2019.


12

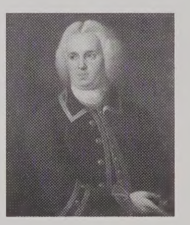
13. **SIR JOSHUA REYNOLDS** (English, 1723-1792). ***Portrait of Richard, 2nd Baron Edgcumbe.*** Oil on panel. 25 x 20 cm (approx. 9 ¾" x 7 ¾"). *L11.229. Stolen in Italy. The painting was discovered in 2016 in an English auction house sales catalogue. It was recovered with the cooperation of the ALR and the Italian Carabinieri in January 2020.


13

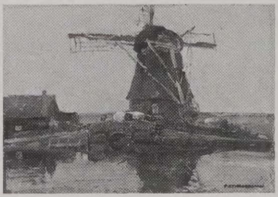
14. **TITIAN (TIZIANO VECELLIO)** (Italian, active c.1506; died 1576). ***Portrait of a Man with Beret.*** Stolen in 2004. Recovered by the Carabinieri's Art Heritage Protection Unit in Turin, Italy in May 2019 after it was located in a workshop where it had been taken for restoration.


14

15. **Unknown Artist** (Hudson River School). ***Rear Admiral Charles Fanshaw,*** c. 1755. Oil on canvas. 30 x 25 cm (approx. 11 ¾" x 9 ¾"). *L19.725. One of six portraits stolen from the Valence House in London, England on September 29, 1971. Two of the portraits were recovered soon afterward. Years later, in an effort to locate the still-missing portraits, Fanshawe's descendants posted a Google Alert. In January 2019 they were notified that the portrait was being offered for sale at a Philadelphia, PA auction house. The cooperative efforts of London's Met Police Art and Antiques Unit, the FBI's Art Team, the American Embassy, and the Upper Dublin (Phila.) Police Department helped recover the painting, and it was returned to Valence House in August 2019.

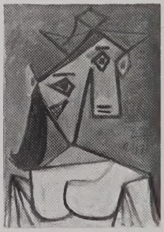

15

The following two paintings, stolen from the National Gallery in Athens, Greece on January 8, 2012 (*L12.27; see *IFARreports,* Vol. 13, nos. 1&2), were reported recovered by the Greek police in June 2021. The thief had monitored museum security operations for six months prior to the theft and observed that several areas of the museum were out of range of security cameras and that the alarms tended to malfunction. In addition, around the time of the theft, the gallery had reduced security due to a three-day staff strike. After the burglar set off an alarm that sent a lone guard to a different area of the museum, he carried out the theft in seven minutes, cutting the canvases from their frames. A pen-and-ink *Religious Scene* by Moncalvo (Guglielmo Caccia) was stolen in the same robbery but was damaged in the heist and discarded. A builder later confessed to stealing the artworks and led the police to the paintings, hidden in thick vegetation at a gorge in Keratea, 28 miles southeast of Athens.

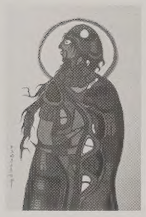

16

16. **PIETER CORNELIS (PIET) MONDRIAN** (Dutch, 1872-1944). ***Mill,*** 1905. Oil on canvas. 35 x 43.99 cm (approx. 13 ¾" x 17 ¼). Signed l/r.

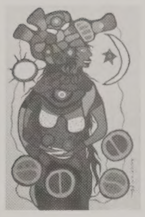
17. **PABLO PICASSO** (Spanish, 1881-1973). ***Woman's Head,*** 1939. Oil on canvas. 51.51 x 38.2 cm (approx. 20 ¼" x 15"). Picasso gave the portrait to the Greek people in 1949 in recognition of their Nazi resistance efforts. The verso is inscribed: For the Greek people, a tribute by Picasso.


17

The following two paintings by **NORVAL MORRISSEAU** (Canadian, 1932-2007) were stolen in broad daylight from Confederation College in Thunder Bay, Canada in 1981. They were recovered after a curator and dealer in Toronto contacted the college in 2018 and said that a dealer in Montreal was trying to sell them. The curator had recognized the two paintings as the ones stolen from the college.

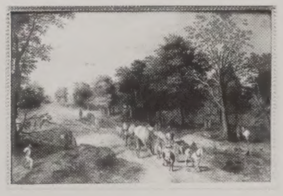

18

18. ***Demi-God Figure 1,*** 1970. Acrylic on Kraft paper. 150 x 100 cm (approx. 59" x 39 ⅜").

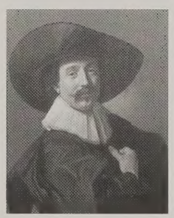

19

19. ***Demi-God Figure 2,*** 1971. Acrylic on Kraft paper. 150 x 100 cm (approx. 59" x 39 ⅜").

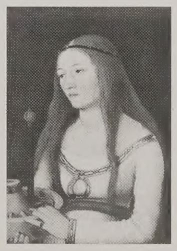
The following five paintings, stolen on December 14, 1979 from the Friedenstein Palace in Gotha, East Germany in what is now known as the Gotha robbery, were retrieved with the help of Gotha Mayor Kurt Kreuch and local authorities in 2019. Valued at $4.4 million in total. *N80.9 (*Stolen Art Alert,* Feb. 1980, nos. 12; 24; 26; 27; 37). ADAA Theft Notice no. 2471, May 23, 1980:


20

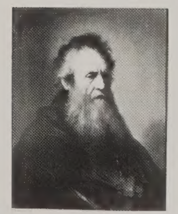
20. **JAN BRUEGHEL THE ELDER** (Workshop of) (Flemish, 1568-1625). ***Life on a Country Road.*** Oil on panel. 45 x 66 cm (approx. 17 ¾" x 26").


21

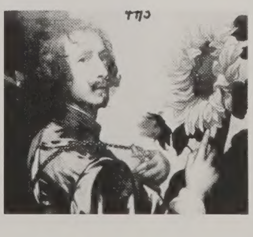
21. **FRANS HALS,** Attrib. to (Dutch, 1582 -1666). ***Portrait of an unknown gentleman with hat and gloves,*** 1535. Oil on canvas. 67.21 x 43 cm (approx. 26 ½" x 17").


22

22. **HANS HOLBEIN THE ELDER** (German, 1460-1524). ***Portrait of Saint Catherine,*** 1510. Painting on panel. 39.5 x 28.5 cm (15 ½" x 11 ¼").


23

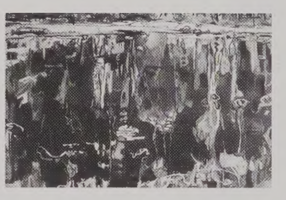
23. **JAN LIEVENS** (Dutch, 1607-1674). ***Portrait of an Old Man.*** Oil on panel. 63 x 50.5 cm (approx. 24 ¾" x 19 ¾").


24

24. **Unknown Artist, after ANTHONY VAN DYCK** (Flemish, 1599-1641). ***Copy of van Dyck's Self-Portrait with Sunflowers.*** Oil on canvas. 61 x 71 cm (approx. 24" x 28").

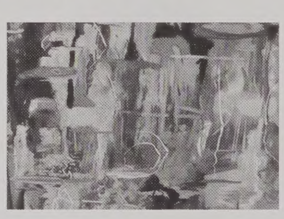
RECOVERED ART

Numerous paintings were stolen from a warehouse in Brampton, Ontario in January 2017. *L17.266. (See *IFAR Journal,* Vol. 18, no. 1, 2017, pp. 52-53.) The following two paintings were among six of these works that were recovered with the help of Art Recovery International in December 2019 after they turned up at a local auction house. The thief had stored the paintings at a different storage facility, and after he failed to pay rent, the landlord confiscated the works and consigned them at auction.



25

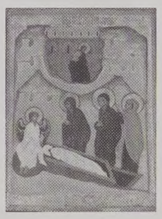
25. **DAVID ALEXANDER** (Canadian, born 1947). ***Get on Shore Before Night,*** 2015. Acrylic on canvas. 144.78 x 167.64 cm (57" x 66").



26

26. **DAVID ALEXANDER.** ***Quiet, Logical Reflect,*** 2015. Acrylic on canvas. 144.78 x 167.64 cm (57" x 66").

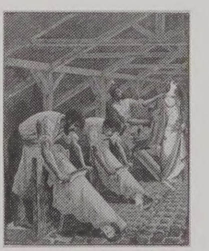
ICONS



27

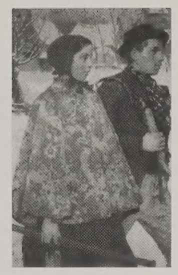
27. **Unknown Artist** (16th century). ***Three Marys at the Tomb.*** Tempera and oil on panel. 66 x 48.59 cm (approx. 26" x 19"). *N94.289. Interpol no. 1991/33901-1.2. The most valuable of 29 icons stolen during a night-time break-in from an exhibition in Olsztyn Castle in Poland in 1990. In the summer of 2020, an employee of the Polish Culture Ministry spotted one of the stolen icons on the website of the Icon Museum in Recklinghausen, Germany. The museum cooperated with restitution efforts. In December 2021, a Culture Ministry employee found a different icon from the same theft listed in a German auction catalogue. That icon was recovered with the cooperation of all the parties involved.

WORKS ON PAPER

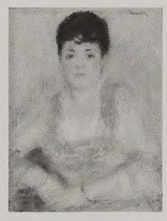


28

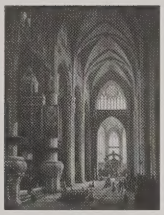
28. **MAX ERNST** (German, 1891-1976). ***Or our planes draw up a small purgatory (Ou nous avions dressé un petit purgatoire).*** *L97.1746. Stolen from a London gallery in 1997, the work was located by the ALR in 2013 after it had come up for auction. It was sold for the benefit of the consignors and insurers in February 2019.


29

29. **GARI MELCHERS** (American, 1860-1932). ***Winter.*** Pastel and gouache on paper laid down on canvas. 110.5 x 66 cm (43 ½" x 26"). Signed l/c.*L19.2172. Taken by Nazis in 1933 from the descendents of German publisher Rudolf Mosse, after the family fled Germany, leaving behind a massive art collection. The work was purchased from a New York gallery in 1934 by American industrialist Barlett Arkel for the Arkell Museum in Canajoharie, NY. In September 2019, the museum surrendered the painting to the FBI, who returned it to the Mosse Foundation in October 2020.

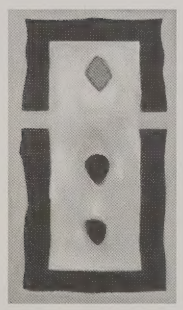

30

30. **PIERRE-AUGUSTE RENOIR** (French, 1841-1919). ***Portrait de femme à la robe rose,*** 1881. Pen, pencil and ink on paper. 65.4 x 49.5 cm (approx. 25 ¾" x 19 ½"). Signed u/r. *L14.569. Stolen in Marseille, France on September 9, 2013 when the owner exchanged the picture and its certificate of authenticity for jade statues purportedly worth $1.5 million, but were worthless. The work surfaced in December 2021 after it was purchased by a Parisian dealer. It was recovered in late December with the help of Art Recovery International.


31

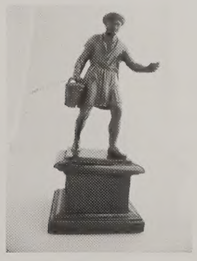
31. **MARCIN ZALESKI** (Polish, 1796-1877). ***Interior of the Cathedral in Milan.*** Disappeared from The National Museum in Warsaw as the Warsaw Uprising erupted in August 1944. Recovered in September 2019.

PRINTS, LITHOGRAPHS, ETCHINGS


32

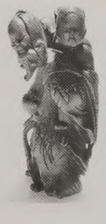
32. **BENJAMIN CRÈME** (Scottish, 1922-2016). ***Within the Gates,*** 2009. Lithograph. 71.12 x 41.28 cm (28" x 16 ¼"). Ed. no. 101/350. Signed l/r. *L12.334. One of more than 2,300 prints stolen from the storage locker of lithographer Michael Flaum in Los Angeles in 2012. 1,300 of the prints were recovered by the Los Angeles police in November 2019 after an anonymous caller said that they were in a home in a Los Angeles suburb.

SCULPTURE


33

33. **BARTHÉLEMY PRIEUR** (French, 1536-1611). ***Figure of a Peasant.*** Bronze. 123.67 x 5 x 5 cm (approx. 5 ⅜" x 2" x 2"). *L14.1061. Stolen from a private residence in December 2012. *L14.1061. Recovered with the help of the ALR in December 2020 and sold at auction for the benefit of the insurer in July 2021.

ASIAN ART


34

34. **NAITŌ TOYOMASA** (Japanese, 1773-1856). ***Netsuke Senin Ikkaku.*** Boxwood. H: 6.7 cm (approx. 2 ⅝").*L10.108773. Stolen in a consignment fraud in Germany in 2010. Recovered with the help of the ALR in 2018 after the work appeared for sale at a German auction house. Returned to the theft victim in early 2021.

RECOVERED ART

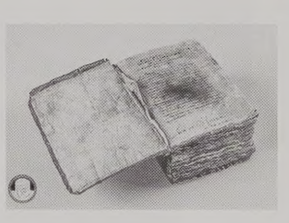
CERAMICS

35. **Unknown Artist** (Italian, 16th century). ***Maiolica Bombola Jar.*** *L16.144. Stolen from a private residence in Wantage, Oxon, England in January 2016. Recovered with the help of the ALR in November 2020 after the work appeared for sale at an auction house in England.

35

BOOKS, MANUSCRIPTS

36. **MICHEL DE NOSTREDAME** (French, 1503-1566). ***Nostradamus M Prophecies,*** c. 1555. 500 pp. Stolen from the historical studies center of the Barnabite fathers of Rome around 2007. Italy's cultural heritage protection squad recovered the manuscript after spotting it on the website of an auction house in Pforzheim, Baden-Württemberg, Germany in April 2021.


36

CLOCKS, WATCHES, TIMEPIECES

37. **AYNSWORTH & THWAITES** (English, 18th century). ***George III 8-Day Bracket Clock.*** Mahogany. *L11.1068. Stolen with numerous other items from a private residence in Shepperton, England on October 3, 2011. Recovered in 2020 with the help of the ALR after the work appeared for sale at a regional auction house.

37

38. **ALEXANDER SMART** (English, 19th century). ***Regency William IV Bracket Clock.*** *L06.141. Stolen from a private residence in Somerset, England in 2006. The ALR spotted the clock in an English auction in 2018, and it was recovered and returned to the theft victim in 2019.

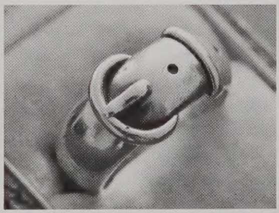
38

JEWELRY

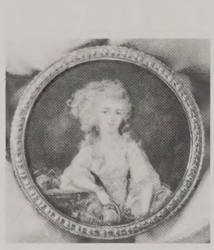
39. **Unknown Artist** (Anglo-Saxon, Iron Age). ***Brooch.*** Bronze gilt and silver. *L95.942. One of ten pieces of Anglo-Saxon jewelry stolen from the Rutland County Museum in Oakham, England in 1995. Recovered with the help of the ALR and returned to the museum after the brooch was sent anonymously to the Metropolitan police with a note that it had been stolen from a museum.

39

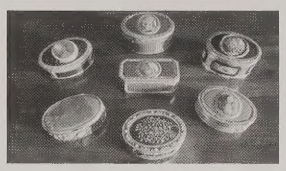
40. **Unknown Artist**. ***Oscar Wilde's Ring to William Ward.*** 18-kt gold. In 1876, Wilde and his friend Reginald Harding gave a gold ring to their friend William Ward. The exterior was inscribed in Greek: "Gift of Love to one who wishes love," and the inside had the initials of the givers and the recipient. In May 2002, Eamonn Andrews, a former cleaner and handyman, stole the ring from the Old Library at Oxford University's Magdalen College. The ring was recovered by Arthur Brand, Dutch art detective, in 2019.


40

OBJETS D'ART

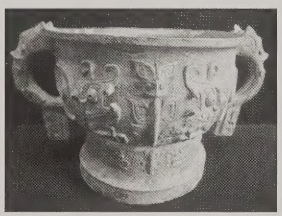

41

41. **Unknown Artist** (French, 18th century). ***Bonbonniere with a minature,*** c. 1775-81. Gold and tortoiseshell box with a miniature painting on its lid. *L03.814. One of more than 100 gold boxes and other objects stolen during a robbery from the Rothschild's Waddesdon Manor in Buckinghamshire in June 2003. Recovered when the ALR spotted it in a search of a UK auction house catalogue in August 2021.

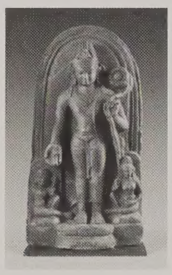

42

42. **Unknown Artists** (French, German, and Swiss, 18th century). ***Snuff Boxes.*** Gold and enamel. Recovered after 40 years. In a night-time raid in 1981, 24 snuffboxes were stolen from the Chinese Drawing Room of the historic Temple Newsam House in Leeds, England. *N81.219 (see *IFARreports,* April/May 1986, no. 20). These seven boxes were recovered with the help of the ALR after they appeared for sale at auction in 2021. The circumstances of the theft and subsequent location of the snuff boxes remain a mystery. The dealer who consigned them for sale had owned them for 8 years, and the dealer from whom he purchased them had died.

ASIAN ANTIQUITIES

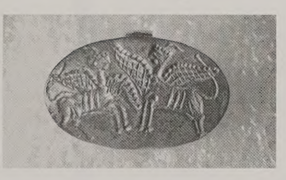

43

43. **Unknown Artist** (Chinese, Shang Dynasty, 11th Century BC). ***Dining vessel.*** Bronze. *I19.384. IPGS case ref. 2013/24833. One of six works of art reported missing between 2011 and 2013 from a storage facility in Vienna, Austria after the owner's death. In late 2021, the ALR matched the vessel in a search of the database initiated by the thief. His home yielded the other five missing pieces and numerous other works of art taken from the storage facility.


44

44. **Unknown Artist** (Indian, 8-9th centuries). ***Bodhisattva.*** Stone. Stolen from the Devisthan Kundalpur Temple in Kurkihar, Bihar, India around 2000. Recovered in Italy in December 2021 through the joint efforts of Art Recovery International and the India Pride Project after negotiations with an Italian collector. Repatriated to India.

GREEK ANTIQUITIES


45

45. **Unknown Artist** (Ialysos, Rhodes, Mycenaean era, 1750-1050 BC). ***Signet ring depicting two facing sphinxes.*** Gold. Originally found in 1927 by Italian archaeologists in a Myceanaean grave near the ancient city of Ialysos on Rhodes. Stolen during WWII and brought to the U.S. during the 1950s or 1960s by George von Bekesy, whose collection was donated to the Nobel Foundation after his death in 1972 and then distributed to several museums. The Stockholm museum identified the stolen ring in 1975 and contacted Greek authorities, but the ring remained in Stockholm until May 2022 when it was returned to Greece by the Nobel Foundation.

EGYPTIAN ANTIQUITIES

46

46. **Unknown Artist** (Egyptian, c. 664-332 BC). ***Stele.*** Dedicated to Pa-di-Sena, a priest of the Temple of Hathor. Identified by the ALR while on exhibition at TEFAF New York in October 2019. The stele was seized and later returned to Egypt by the NY District Attorney.

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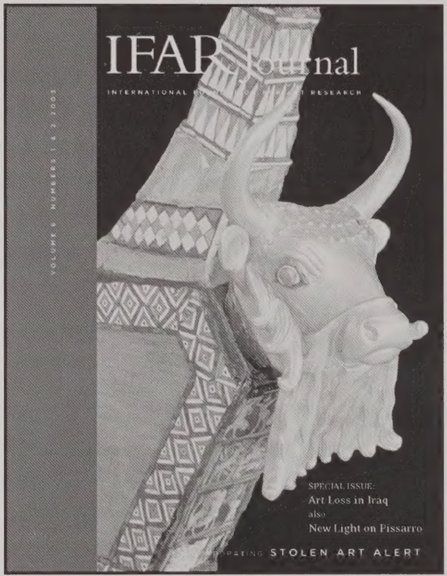
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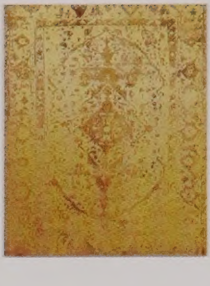
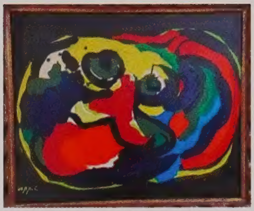
STOLEN ART

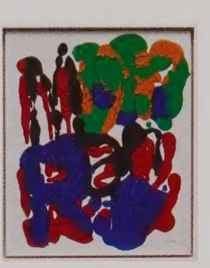
Paintings


9

9. **RUDOLF STINGEL** (Italian, born 1956). ***Untitled,*** 2014. Oil and enamel on canvas. 209.85 x 169.88 cm (approx. 72 ½″ x 66 ¾″). *L20.1140. Stolen in transit between New York City and the UK on December 11, 2019.

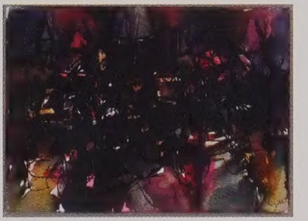

13

13. **KAREL APPEL** (Dutch, 1921-2006). ***Abstract Composition.*** Oil on canvas. 60 x 73 cm (approx. 23 ½″ x 28 ¾″). Signed l/l. *L21. 1481 IPGS case ref. 2021/264. One of two paintings stolen from a private residence in Uccle, Belgium on October 4, 2021.

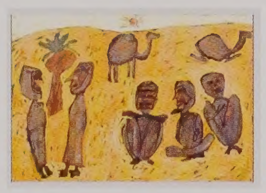

25

25. **MAN RAY** (American, 1890-1976). ***Decembre ou Le Clown (Natural Painting),*** 1963. Acrylic on plywood. 43.8 x 35.8 cm (approx. 17 ¼″ x 14″). Signed l/r. Inscribed on the verso: Provenance: The Estate of Juliet Man Ray, Man Ray Trust. *L20.1041. One of six paintings stolen along with works on paper in an armed robbery from a Los Angeles gallery on May 30, 2020.

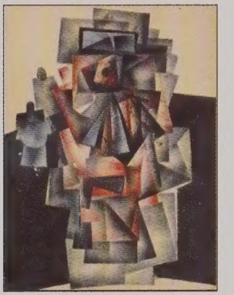
Works on Paper


39

39. **JEAN-PAUL RIOPELLE** (Canadian, 1923-2002). ***Abstract,*** 1946. Watercolor and ink on paper. 25.1 x 35.56 cm (approx. 9 ¾″ x 14″). Signed l/r. Included in Riopelle catalogue raisonné 1947. 041P.V, p. 183. On the verso: a Douglas Udell Gallery label. *L21.1906. Stolen in Canada on December 6, 2021.

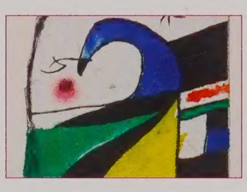

42

42. **JEAN DUBUFFET** (French, 1901-1985). ***Arabs and Camels,*** 1949. Drawing and wash on paper. 37 x 53 cm (approx. 14 ½″ x 20 ⅞″). *I20.152. IPGS case ref.2020/169. One of two works stolen from a private residence in Sartrouville, France on September 19, 2020.


46

46. **KAZIMIR MALEVICH** (Russian, 1879-1935). ***Figure Suprematiste,*** c. 1925-1930. Brushed and sprayed paint on toned woven paper. 40 x 29 cm (15 ¾″ x 11 ⅜″). With a “Collect ID” NFC chip on the verso. *L20.1453. One of two works stolen from a gallery in Zurich, Switzerland on August 26, 2020.

Prints, Lithographs, Etchings


54

54. **JOAN MIRÓ**. ***Gaudi X,*** 1979. Aquatint on paper. 65 x 50 cm (approx. 25 ½″ x 19 ⅝″). Ed. no. 36/50. *I20.130. IPGS case ref. 2020/119. Stolen from a private residence in Madrid, Spain on November 6, 2019.

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